

D.C. GOVERNMENT ORGANIZATION

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DEPOSITORY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT OPERATIONS

OF THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

**SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA,
AND REPORT OF THE COMMISSION ON THE ORGANIZATION
OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA**

APRIL 4, 5, 9, 10, 11, AND 16, 1973

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SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA, AND REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

WEDNESDAY, APRIL 4, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m., in room 345, Cannon House Office Building, Hon. Brock Adams presiding.

Present: Representatives Adams (presiding), Diggs (chairman of the full committee), Fraser, Fauntroy, Landgrebe.

Also present: Jacques DePuy, counsel to the subcommittee; John Hogan, minority counsel to full committee; James T. Clark, legal consultant, and Anne Darneille, subcommittee staff.

Mr. ADAMS. The subcommittee will come to order. We are continuing hearings on reorganization and self-government for the District of Columbia. And we are continuing this morning with the panel, and thereafter we have scheduled as witnesses Mr. John Hechinger, and then representatives of the Statehood Party.

STATEMENTS OF DELANO LEWIS, CRAIG BAMBERGER, JIM DEVAL, JASON NEWMAN, STURGIS WARNER, KENNETH KENNEDY—

Resumed

Mr. LEWIS. I don't think so, Mr. Chairman. We are ready to proceed.

Mr. ADAMS. OK, fine, Mr. Lewis.

Mr. FRASER, do you have any questions of the panel this morning?

Mr. FRASER. Could I hold, and maybe come back later?

Mr. ADAMS. All right.

Mr. Landgrebe, do you have any further questions this morning?

Mr. LANDGREBE. I have none, thank you.

Mr. ADAMS. Mr. Hogan, do you have any further questions this morning?

Mr. HOGAN. I have no further questions.

Mr. ADAMS. Mr. DePuy, do you have any further questions this morning?

Mr. DEPUY. Yes, I do, Mr. Chairman. Thank you.

Mr. Lewis, I have a couple of questions on the legislative arena that you addressed yourself to. You mentioned yesterday that the coalition recommends a 13-member assembly.

Could you state for the record the reason why you arrived at a 13-member body, and perhaps also indicate whether or not you considered a committee structure of the assembly?

Would most business be done in the committees, would it be done in the committees as a whole, so we can get some idea as to if this is the proper size of the legislative body?

Mr. LEWIS. The numbers are not that far removed from the City Council, as you know, the present City Council is made up of nine members, and we have chosen 13.

Now, the thinking was that we would combine at-large representation along with more representation, so it happened to sort of balance out at 13. As you know, with the present ward structure, there are eight wards in the city, and we thought there would be one representative in the assembly from each ward, and then have five at-large members.

So, we came out with 13, the size 13. The basic thinking, I should say the philosophical thinking was that we wanted to incorporate in this assembly the kinds of functions that we felt were necessary, and those really embodied not only city functions and local functions, but kind of a State function as well; so therefore, the assembly was larger than the nine, because it was going to be necessary to take in much more business than the present City Council.

The thinking on the committee structure of Sturgis Warner—I want to add to this, or some other members of the panel. We did not get into detail on the structure of the assembly, but I am certain that we had in mind committee structures working with the assembly, and it would be done in committee as well as the committee as a whole.

But I don't know, Sturgis might want to add a point on that at this time.

Mr. WARNER. No, I don't think that we got down to the fine strokes of the pen, exactly how we were going to organize. But clearly, it has got to be a committee structure. These 13 would serve as members of subcommittees, and they would develop their own expertise in the fiscal area, or land use, or various functions that you would expect the legislature to have.

Mr. BAMBERGER. I would like to add to that.

We address specifically the underlying philosophy for having at-large versus ward representatives, and considered the balance of the two in light of the way we saw those philosophies coming together. The purpose of having a representative from each ward or one of the purposes was because ward representatives are generally regarded as being more responsive to the wishes of their particular constituencies, more prone to serve their constituencies, and the needs of the people in their ward.

On the other hand, the at-large system is regarded by political scientists as tending to produce more independent representatives, who take a broader view of the interest of the entire community, and at the same time, by being elected at-large, they have the opportunity to become leaders within the community, to become widely known.

So that there is an advantage of having some at-large, but then to come back to the other side of the coin, the at-large is more expensive,

particularly—that's important—particularly in an area like the District of Columbia.

So that we didn't want the number of at-large to be too great. After considering the different numbers, we finally came to the conclusion that this was the appropriate mix given the way we saw the two philosophies fitting together.

Mr. DEPUY. On the question of elections, this might go to Mr. Warner, or perhaps Mr. Lewis as well. Did you consider whether the elections should be in an on-Presidential year or an off-Presidential year making recommendations along those lines?

Mr. WARNER. Yes, we came to the conclusion that the elections, that we're talking about, City Council or assembly and Mayor, should take place in odd-number years; so it never gets mixed up with the Presidential or congressional election. That is partly to spread the election load so that you have stimulating important elections every year, but not have too many of them.

We would like to have them take place on the odd-numbered years. I think that the primary elections for delegates—I think consideration should be given to moving the date for the primary election of the delegate to the House from the present May date up to possibly just after Labor Day which would be election eve, so as to shorten the period between the primary and the general election.

This is one of the changes that needs to be made in our present election structure. I'm talking as an individual. The group has not discussed that, but I think from the viewpoint of having been involved with the election process for some years, I think that that would be a useful change.

Mr. ADAMS. Mr. Warner, hasn't experience shown around the country that in elections of local officials, if they are held in the off year from the time when other elections are taking place, that the turnout is usually rather low, and that you have a very difficult time getting either publicity for those campaigns, or a significant campaign going.

Whereas, if everyone is with knowledge that there is to be an election, that the excitement, the political atmosphere tends to generate a more widespread turnout.

Mr. WARNER. I don't know about the figures, Mr. Chairman, certainly that could be argued. It is also true, of course, that local elections do produce fewer voters than national elections; probably Mayor and City Council or Mayor and assembly elections would have a lower turnout than the turnout for delegate.

Last year, when we had our Presidential election, the participation of voting for the delegate was substantially the same as it was for the President. They were on the same ballot. There were some people who obviously voted for one, not both. The order of magnitude was about the same.

Mr. ADAMS. Well, in the structure you have recommended, basically you are having your executive figure—whatever name is going to be put on him—and acting the equivalent of the chief executive officer in a State as well as the chief executive officer in the county and the city sort of rolled into one, and the legislative body rolled into one.

Don't these elections normally throughout the United States all take place in even-numbered years in November with a primary date all set at the same time, so many months beforehand?

Mr. WARNER. Mr. Adams, I will have to confess ignorance and take a look at some of the literature on it. And if I could, I would like to report back sort of a summary as to what I have found.

Mr. ADAMS. I would appreciate that, and also your recommendation as to whether if you're going to have an elected schoolboard, it should be placed on the same ballot, or placed in a different time. I don't know what the nationwide practice on that is.

I know that in some of the States in the West, they deliberately put it at a different time, but again you have very low turnouts generally, and a great deal of difficulty getting anybody to go to those elections.

And so, we would like both the statistics, and any recommendation that the panel would like to make on whether those dates should all be at the same time or scattered.

[The information referred to was not received in time to be incorporated in the record and will be retained in the committee's files.]

Mr. WARNER. I think we must bear in mind, Mr. Adams, that at the time the 1968 amendment to the election law took place, which created the elected Board of Education, that there were very strong sentiments in the House, that they didn't want to have those non-partisan Board of Education elections mixed up with partisan elections, very, very strong—

Mr. ADAMS. I remember that, yes.

Mr. WARNER. So therefore, all we're doing is following the legislative history which ended up by getting an election. So if we just say, well, let's take another look and see how it is done today, we might do that and send up the material.

But we have the overhanging fact, we have pretty strong legislative history for putting it in odd-numbered years. There are now—the Board of Education—

Mr. ADAMS. But that was for nonpartisan school board elections.

Mr. WARNER. That's right. That was for school board.

Mr. BAMBERGER. May I add to that?

Professor John Baker of southern Illinois, the author of *Urban Politics in America*, 1971, cites some figures which he derives from another book by J. C. Lee, *Fiscal Yearbook*, 1963. He says that as of 1963, two-thirds of a city of over 25,000 conducted their elections independently of all other elections, while 20 percent conducted them with other local elections, and only 14 percent conducted them with State and national elections.

The reason for that apparently is that urban reformers have long stressed the separation of fiscal elections from other elections particularly from national elections so to facilitate the identification of local issues. That has, it is true, resulted in lower turnouts.

Professor Baker says it is unusual for more than 50 percent of the eligible voters to cast their ballots in a local election, and all too frequently, the turnout falls to 25 percent or below.

But as Sturgis points out, we are not writing on a clean slate.

Mr. WARNER. I think we have to bear in mind, Mr. Adams, that the mere fact that they are on the same ballot with the Presidential, or they're coming at the same time as a Presidential or a congressional election, doesn't mean that the voters necessarily are any more informed about who the members of the school board, the candidates for school board, would be.

You have to——

Mr. ADAMS. No, I was thinking more—I just put that in as the second caveat. I was thinking about your executive and legislative group that you have defined in your recommendation as being—your suggestion is—partisan, and that they perform functions that as I say cover the whole spectrum of general governmental functions in this country from State through municipal, and that is the group that I really have the greater interest in knowing your position.

Counsel?

Mr. DEPUY. On another electoral question, you talk about, at least your preference Mr. Warner, on a later primary. Has the coalition considered the primary runoff system which is now used for the delegate race, as to whether or not you would recommend a runoff system for either primary, or the general, or both as we now have it?

Mr. WARNER. The coalition as a group has not discussed it. We haven't got down to the very important details.

However, speaking as an individual and purely as an individual, again simply because I've been mixed up with the election process for some time, I think that we could eliminate certainly the primary runoff that now exists. When you're voting for a delegate under the present law, you have a primary, partisan primary, a primary runoff and a general election and a general runoff.

I believe that's the system in the United States. It was felt to be important because the delegate's function, the delegate is the most important presently elected official here. And we felt that the turnout might be such that you have three or four competent candidates, each of whom had run a pretty hard campaign. You might end up with your top man having only 21 percent of the total vote. You don't really have a solid record at that point, that he has got community support.

This is why the concept of the runoff is in the District of Columbia delegate legislation. Maybe we went overboard on that, by the way, two runoffs.

Mr. DEPUY. Has the coalition considered the possibility of initiative on legislation or referendum or a recall, for a recall of public officials?

Mr. WARNER. In my meeting with the coalition, there has been no discussion of it at this point. Other drafts, earlier drafts of home rule legislation in prior years contained both recall and initiative referendum.

I would like, if I might, to get into the record some information about our election structure on a very important basis. As of the Presidential election last November, we had a total registration of 305,072.

Now, that number was arrived at after substantial statutory litigation had taken place in 1972. I think it's a pretty fresh number. I know that over 10,000 people emerged last year.

It's a semipermanent registration system, which requires that you vote at least once every 4 years. That 305,000 registration began in 1968, and of course the people coming off and dying and moving way—there's a great deal of movement in and out of the city as you know.

But it's a good solid figure. It's very much up to date. The people who register to vote are 18-year-old U.S. citizens who claim no place or right to vote in any other State or territory. These people are people

who are here in Washington. They are Washingtonians who are here in Washington. They are Washingtonians. They are not claiming the right to vote anywhere else.

That 305,000 is out of a total population of about 756,000 which, of course, includes aliens. We have approximately 12,000 aliens here, and people under 18, and a great many people who live here in Washington and maintain their right to vote elsewhere in the United States.

We have no solid figures as to how many people who otherwise could be registered voters here claim the right to vote in other States. I think it's probably certainly another 100,000.

As far as participation in the elections, the kind of participation you get, of course, depends on the officers who are being elected. And in Presidential elections in the past, in 1964 and 1968; and 1969 we had the country's highest turnout. We had 91 percent of registered voters vote in the Presidential election. It dropped to, I think, 86 or 84 percent in 1968. And last year, as is true throughout the United States, the participation was low. We had, I think, about 60 percent, 165,728 people out of the 305,000 voting in the Presidential.

Mr. DEPUY. I have two process questions for anyone on the panel. First, many home rule bills in the past have provided for a referendum on the Charter Act, or whatever it is called in the community, the city. Is that an essential element?

And second, what is the coalition's position on possible phase-in or staged transfer of either some elected officials or some transfers of legislative or fiscal powers over a period of 1 or 2, or 4, whatever number of years?

Mr. LEWIS. Let me address myself to the first question. On the sort of charter commission idea that you made reference to—

Mr. DEPUY. This was not a charter commission, this was referendum in the city on the charter which the Congress would approve first.

Mr. LEWIS. I see.

We haven't as a group looked at that or come to a position on it. I think there may be some individual views in that regard.

And on the second one, would you repeat your second question?

Mr. DEPUY. Yes. The opinion of the coalition on some sort of phase-in or staged transfer of either officials or legislative powers or both?

Mr. LEWIS. Right.

This is talked about in our task force. We didn't include it in the written testimony. We sort of look upon that as a compromise type proposal, and some measure short of what we consider adequate self-government for the District.

So we haven't taken a position exactly on that, but I don't think that we would lean in that direction. It certainly would not be my view that we would want to even consider at this time a phase-in of legislative or executive functions.

We feel that we should have those full powers that certainly relate to local issues, and that Federal Government certainly should have some say in Federal interest. But in terms of phasing-in certain powers over a period of time, we certainly don't think that is the way to go.

However, we have not taken a position on that, and it's yet to be seen if some piece of legislation comes forth on that recommendation.

Mr. DEPUY. Thank you, Mr. Chairman.

Mr. ADAMS. I have one question.

Mr. NEWMAN, I know you served on the Nelsen Commission. I remember reading your comments with regard to it. Is there anything inconsistent between the Nelsen Commission recommendation and the election of local officials?

Mr. NEWMAN. No. The Nelsen Commission, as you know, was not set up as a home rule commission, so we really never looked at that. I will say that the Commission did recognize the fact that transfer of authority, and power, were necessary for an efficient, effective Government, and that is why we did recommend legislative and taxing authorities be transferred.

So there is no inconsistency with the Nelsen report as we were avoiding that issue.

Mr. ADAMS. Thank you, Mr. Newman.

Mr. FAUNTROY, did you have some questions?

Mr. FAUNTROY. Yes.

I should like first, Mr. Chairman, to again commend the coalition for the very careful and substantive job they have done in preparing for this new form of hearing on self-government, which is aimed at arriving at answer to substantive questions about how it should be implemented.

I have read with great interest the position papers that have been developed by each of you, and am very grateful for the time and energy and attention you have given to the fashioning of a substantive self-government bill.

I wonder if any panel member would care to respond to the question of whether or not you feel there is any support in the District of Columbia for the position which, apparently, Mr. Broyhill, Mr. Nelsen, and Mr. Fraser may be supporting, for a charter commission.

Mr. LEWIS. Jim, would you want to respond to that?

Mr. DEVAL. No. Why don't you speak to it?

Mr. LEWIS. OK.

In light of our discussion, we listened intently to Congressman Fraser's testimony, and I think it related to your question, Mr. Congressman. And the coalition has not had a chance to go back and review this with our organization and our members as to their thinking on this.

But as individuals, I think we all have some feel for it. Personally, I do not think, based on my experience working for you as an administrative assistant and knowing the community here, that there is much support for the charter commission idea. I have a strong feeling that the community is waiting for some measure of self-government now, and not looking for an opportunity to have this studied any further.

I think the studies have been done, and I think we may have been studying maybe too long as far as some people are concerned, and that now is a time to look forward to some measure of government. It's my view, and I think it may be shared by many others in the community.

Would anyone else like to respond?

Mr. KENNEDY. May I?

Mr. Fauntroy, historically on the question of the charter commission, there has been royal opposition in the community to it. I recall

Mr. Sisk, Congressman Sisk, offered this bill. There was only one group in the city who supported that form. Otherwise, across the spectrum of organized citizens that were in the city, they were opposed to the charter commission, and they felt it was certainly a delay tactic, not suggesting that Mr. Fraser's suggestion was that.

But I am suggesting that the broad bases of the community felt that home rule should be now or some kind of self-determination should be now, and should move from the congressional level into an operation rather than to a study.

Mr. LEWIS. Mr. Newman wanted to speak.

Mr. NEWMAN. Yes; I would like to respond from a different point of view. The only rationale that I could see for a charter commission other than a politically delaying process would be to have the citizens in the District of Columbia in Congressman Fraser's bill through an election process play a significant role in developing a form of government.

In response to that, I think that: No. 1, through the process taking place now, you can get a good feel for what the citizens want, and of course in terms of community, they want it now, and they don't want to have to have a commission that you have to wait another 9 or 10 months.

Second of all, and what we have proposed, there is a process whereby the assembly, in addition to the referendum, would have the opportunity to make changes in the structure that was reported and passed by Congress and signed by the President.

So I think in all respects, the concerns, the legitimate concerns that could be raised in the charter commission, I think, will be answered and responded to in what is here now.

Also, as a final point, there was some discussion about the Nelsen Commission turning into a charter commission. And the White House had rejected that as a viable means of taking care of home rule.

Mr. FAUNTROY. Mr. Newman, what role would you think could be played by anybody who could get elected to a charter commission in shaping—helping to shape the form of government, that cannot be played by those persons through the process that we are now engaging in?

Mr. NEWMAN. That's what I said, that I think that through this process of the hearings, you will have the significant, community input that you need. Also as—

Mr. FAUNTROY. Are you suggesting that it would be a waste of money to go about electing people to a charter commission?

Mr. NEWMAN. A waste of money, a waste of time, and I would also say as someone who presently teaches at law school and is involved in the—discussing the legislative process, et cetera, that I personally am convinced that any charter commission that has any remote—doesn't have any remote chance when it is finally enacted of being anything worthwhile if there was anything worthwhile in the first place.

Mr. FAUNTROY. I think I saw Mr. Warner preparing there to make a statement.

Mr. WARNER. My thought was not directed to your particular question, Mr. Fauntroy, but to an earlier question that I think needs to be discussed further. Mr. Adams asked, or one of the staff asked, about

whether there should be a one- or two-step progressive vesting of legislative authority in the City Council.

Now, I would like to comment on that again as an individual, but this is a point I raised before this committee last year. It seems to me that a City Council or an assembly might very well be elected and then when it is elected and takes office for the first few months or maybe the first 18 months or a year, that their function would be the same function that the City Council has now; that is in the areas that have been already delegated, now down to the City Council and the existing form of government.

And then automatically in the same statute, 18 months later or 2 years later, some set period, they have the full home rule delegation of authority. The reason for that is that to get staff to get these newly elected people operating, shaken down, and really moving, I think that you might find that if they have the full authority and try to exercise the full authority immediately, they might get bogged down.

There ought to be a phasing period, automatic phasing period. It shouldn't require a second act of Congress. It should be—I shouldn't say phase 1 or phase 2, but I use that phrase for the moment.

I think it does make sense, but phase 1 and phase 2 should be set by statute in the same act, and I don't think that it would require more than 18 months or so before they would be in a position to begin to operate on the larger questions.

After all, what this contemplates is a locally elected group taking over the large part of the work, which Congress has been doing for 160-odd years. So that I do think that a phasing, if it isn't too long a period, might be an appropriate thing. However, I just throw that out as something that I testified to last year.

Mr. FAUNTROY. Mr. Warner, I'd just like to throw out something for you to think about, too, for a while. I tend to think in terms of trinities. I don't know that is the case. But we have a new situation on Capitol Hill this year, and it is operative in this committee because we have the opportunity to shape up the present machinery of District government to be efficient on the one hand; secondly, provide hopefully by whatever formula we come out with, an adequate Federal payment; and third, to shape the kind of elected government that would govern the money and the machinery.

And I have sort of used the analogy of what the Nelsen Commission report and recommendations are doing is to refine the motor of a car. We have got a Model-T Ford, 1919 vintage, in terms of the structure and machinery for delivering services in the District government. We hope to have a Rolls Royce when we get through, which will run very smoothly. So that we will have the machinery of government, hopefully when this committee has done its work, finely tuned.

Of course, you can have the finest machine or car that you can have, and if you don't have gasoline in it, it won't run; therefore, we are going to be very careful to see to it that the machinery has the resources to run in terms of—hopefully—an adequate Federal payment, and an equitable and fair means of paying for government by both the people of this city, and those who receive services from the machinery in the Federal sector.

And then, of course, third, the driver. You can have a very fine car and fine gasoline; if people can't drive, you will wreck it all. And the other thing which we want to do in this committee is to establish a fair and equitable means by which responsible persons can be elected to sit in the car that has the gas and the Rolls Royce engine.

And I just wonder why you just want to tune the car up for new drivers in terms of the smooth running of the machinery, half-way for a period of time, and then allow it to idle better after they have, as new drivers, been in office some time.

It seems to me that what we ought to do is to give them as new drivers, the very best opportunity to prove themselves by proving them with the most effective machinery, giving them some high-test gas and telling them to go on, the way all Americans have in this great democracy of ours.

And I would just like you to think about that.

Mr. LEWIS. Mr. Chairman, on this—

Mr. ADAMS. You have one more comment, Mr. Lewis, and then Mr. Fraser, who had deferred, has a question, and then Mr. Landgrebe, you have a question.

All right. If you would make your statement, Mr. Lewis, and then we'll go to Mr. Fraser, and then Mr. Landgrebe.

Mr. LEWIS. Very good.

I just wanted to say that—just to give you some idea about the self-determination group, I am sure you understand we are made up of several organizations, and that our testimony reflects a consensus of opinion.

But outside our written testimony, and some of the questions have come outside our written testimony, we have not had a chance to get a written consensus of these organizations; therefore, we find some differences in terms of some of the answers to the questions even among panel.

And I think there are differences in terms of phase-in, just as alluded to by Mr. Warner and responded to by the Congressman, Mr. Fauntroy.

I don't happen to agree that we should allow in the statute for any phase-in, and I think a couple of the members of the panels would like to speak to that. But if we want to move on, we certainly are free to do that.

Mr. ADAMS. We understand that there are differences of opinion, and believe me, during the course of the number of hearings that we have, we anticipate receiving a number of them. And those of you that wish to communicate with the committee, as to your personal opinions, why, we assume that there will be an opportunity; you can do so.

Mr. Fraser, you had some questions that you had deferred.

Mr. FRASER. Thank you very much, Mr. Chairman.

First, I want to compliment the Coalition on the excellent statements. I wasn't here to hear them yesterday, but I have read them while we have been talking this morning, and I think they are first-rate.

I want to ask some technical questions. Some of the bills that would carry forward what you recommend, in effect, would give the new City Council—that is the elected City Council—authority equivalent to that

of the Congress, in effect, so far as the running of local affairs is concerned.

Is that a reasonable statement?

Mr. LEWIS. I am sure Jim would probably like to respond. I don't know if we say equivalent. I think we're really talking about delegation of certain functions. And we certainly feel the delegation of those local functions should rest with the assembly.

Mr. FRASER. Well, let me read what I think is a phrase from the Eagleton bill. It might have gotten changed along the way, but it says that "legislation adopted by the City Council has the same force and effect of law as if adopted by the Congress."

Is that a fair statement of what is intended?

Mr. DEVALL. I think that's a fair statement of what is intended. It doesn't go to the question of scope of the legislation that might be enacted.

Mr. FRASER. Well, that's what I want to get to next.

If we give the City Council authority to legislate with respect to local matters, and this is delegated authority from the Congress—which I think Congress clearly can do—my first question would be, could the City Council pass a bill which would amend our law establishing your system of government?

Let me pin that down so I don't leave it as open ended. Supposing the City Council decided to pass an ordinance or a law changing the size of the council from 13 to 15, would it have the authority to do so?

Mr. BAMBERGER. Under the Senate passed bill last time, there was a provision that the number of members constituting the District Council and the qualifications for holding office, and the compensation of such members, may be changed by an act passed by the Council subject to a referendum.

Mr. FRASER. OK.

Then let me move to an example, which will avoid a specific provision. Supposing you decided you wanted a bicameral council, could you pass an ordinance establishing that?

Mr. WARNER. I would suspect that if the delegation were as broad as the bill passed by the Senate last year, it could. And I think the Congress has the constitutional power to delegate that, but obviously their delegation must only relate to District of Columbia matters.

You couldn't, I believe, delegate any other function to a locally elected city council.

Mr. FRASER. No, I'm not trying to get into that idea that this City Council might vote to dissolve the Federal Reserve Board.

[General laughter.]

Mr. FRASER. But I am talking now about actions of the City Council that do relate to the local government.

Mr. WARNER. To amend the statute?

Mr. FRASER. Yes. What I'm really asking, and I should make it more generic, would you have authority to change the structure as outlined in the statute granting you home rule?

Mr. WARNER. If that were what Congress delegated to us, yes.

Mr. DEVALL. It would depend on the scope of the delegated authority.

Mr. FRASER. Well, what are you asking for?

Mr. DEVALL. In that respect, our request is for legislation that would authorize that.

Mr. FRASER. That would authorize it.

Mr. DEVALL. The exact confines of that, for instance, a question was asked with respect to referendum, and we have not crossed all the T's and dotted all the I's, but clearly that was one safeguard typically available to other jurisdictions in terms of changes.

Mr. FRASER. For instance, you are proposing that we leave the court system intact, but that the method of selection be changed to use the bar association and the mayor, and as I understand it, the Missouri State plan yes or no vote.

In your view, would the City Council have the authority to change that system by an ordinance which they might pass under the authority as you would like it enacted by us?

Mr. WARNER. I think if the job is to be done, that there ought to be leeway to make changes in the structure. After all, there is a good deal of the District Code that needs to be—those are acts of Congress in the District Code.

One of the purposes of this is to make it possible to make some of those statutory changes, which are essential. I remember a statute which was written in 1873. I think it's time to change it.

And I think the City Council ought, whether it does it right away, and it should, have some power to make changes in Federal statutes including something on its own reorganization, or its own organization. Now, whether it should be done automatically or can only do it for a 3-year period or something like that, OK, fine.

What we're trying to do is to come up with a structure which will end up with a responsible form of government that is doing the maximum possible job, and reducing the workload of the Congress, which is a very real one.

Mr. FRASER. Mr. Warner, we're not arguing with the objectives. I fully share your objectives.

I now want to talk about the technical issues.

Mr. WARNER. Right.

Mr. FRASER. Now, for example, as I understand your view, the City Council would have the right to abolish the elected School Board.

Mr. WARNER. Yes, I would think ultimately, whether it's right away or not.

Mr. FRASER. Well, you see, the reason I'm asking these questions is that under almost every form of government, municipal government that I am familiar with, you have several sort of levels of priorities of law. In other words, in most States, you either have a statutory scheme of government—it sets up your basic structure, your Council, your Mayor and so on—or you have a charter, which is adopted by the voters, but that becomes in a sense the constitution for the city. It has a higher standing than ordinances passed by the City Council or by the School Board.

As you've stated, here though, that distinction disappears. The basic grant of authority, the basic structural scheme all stands at the same level as an ordinance regulating the speed of automobiles, so far as the power of the City Council is concerned.

And I am drawing your attention to that question to elicit your ideas as to whether that is the way it should be, or whether we should try to create a kind of a two-tier scheme.

Should we in other words say well, here is the structure, let's say in accordance with your request, but your authority to change this is circumscribed in some fashion—maybe you've got to go to the voters if they want a structural change or you could have an extraordinary vote of the council or something of that kind.

That's the question I'm trying to get at. I apologize for doing it so slowly here, but I'm trying to illustrate the point.

Mr. NEWMAN. Congressman Fraser, there is a two-tiered scheme in our testimony. When you are dealing with altering the city structure, on page 5, part 2 of the testimony that we have, we would provide this assembly with the power to alter its size through referendum.

In other words, when you are dealing, in fact, with the changing of the governmental structure, the city council by itself couldn't do that. It would require a vote of the general populace as opposed to a normal City Council regulation, which would not require that.

So in fact, we do have what I believe you are suggesting.

Mr. FRASER. Could you read that statement in your testimony rather than my trying to find it?

Mr. NEWMAN. Yes, it was in Del Lewis' statement.

We will provide this assembly, by the way, with the power to alter its size through referendum, and I say "size," maybe through limiting, in fact changing of a governmental structure as you suggested, would require a referendum.

Mr. FRASER. Well, in other words, you suggested that in this case of changing the size, it would require a referendum. But you would have to concede that on the face of it any other change that involved structure wouldn't require a referendum.

Mr. NEWMAN. Well, I think we really just looked at it from this point of view, but if I could say for the coalition, I think the concept is broader than is expressed in the testimony. That when you are dealing with a governmental change, it would require a referendum, although we really didn't look at it in that broad a context.

Mr. FRASER. Well, I'm trying to anticipate some of the kinds of questions that we may get asked if we take a bill to the floor. If we give you a general grant of authority to legislate, in effect equivalent to the power of Congress with respect to matters affecting the District, presumably by a simple ordinance, you can practically do away with the act itself. You know, you have almost complete license to restructure, reshape, reform, the whole system.

And that may be a good idea, but it would not be in anybody's experience who serves in Congress, because I doubt that there is a single city in the United States that operates with that vast grant of authority without, you know, having some kind of a system which is somewhat less susceptible to change.

Mr. LEWIS. Yes. I think we made it fairly explicit in our testimony that we thought the District of Columbia was unique, and that you do have to look at us in a very unique fashion. And that to compare us with other cities is probably not a point in many cases.

That we made very clear that we wanted that delegation of authority to really encompass not only local functions, but what some might consider State functions. So you do have it in one office. You do have the Chief Executive, the Mayor, doing things that are purely local, but he also enters into regional contract with Montgomery County, Prince Georges County, just as he does now.

He also enters into Federal agreements to take care of Federal grant in aid, so he acts as a governor in that instance. So, I think, the point we are making here—I can understand the tier kind of premise, but we are talking about putting that into one office into two areas, and that is the District assembly and the Chief Executive, because we are a unique situation.

Mr. FRASER. And what you would like in the grant of authority is to be able to rewrite the inheritance laws, divorce, marriage, the whole range of things that State legislatures now wrestle with.

This clearly would require some additional staffing for the City Council. I would think, because you would have to have people who became knowledgeable in a wide range of areas if you're going to do a kind of workmanlike job, that we all want the Council to be doing.

Mr. WARNER. It would be a quantum increase in the responsibilities of the assembly.

Mr. FRASER. Right.

Mr. BAMBERGER. I would like to elaborate on what has been said a little bit. The bill passed by the Senate in the last Congress delegated legislative power to the District Council extending all rights subject to legislation within the District consistent with the Constitution and the provisions of this act.

Now, in going through the bill, rather quickly and not at all exhaustively, I find nothing that would, under that bill, have permitted the District to revise the form of Government insofar as the bill itself established certain structures, and did not by its terms provide expressly for changes therein.

What we are saying is, I suppose, that we think we ought to have that power subject, for example, to referendum. There are, to be sure, certain kinds of things that are embedded in State constitutions and are difficult to change. The constitutions themselves are subject to change.

An in terms of the powers of localities, I think as Del has said, it is very difficult to analogize the District of Columbia with a city operating under grant from a State.

If you back away from the question of constitutional change, and assume that we are talking about some lesser level of requirement for action in order to effectuate change, and I'm not sure that we are, there are a number of powers in the State legislatures over such institutions as the courts without having to go the constitutional route in order to make changes in those courts.

So that, it doesn't follow, I think, that it is necessary to fix in concrete all the structures, basic structures, including the courts, and fix those in rigidity comparable to that of a state construction; even if one assumes that an analogy with States would be applicable because the States don't do that.

It's no secret, of course, that the administration is concerned in the last Congress about changes in the 1970 Court reorganization, and we have indicated that we don't think it is necessary to make any changes at this time; certainly, the District ought to have the authority at some point in the future to act as would a State in regard to its own court system, and to make appropriate changes at some point in the future when it deems necessary.

Mr. FRASER. Well, let me just pursue this a step further. Let's say that the bill we pass details a structure of local government. In your view—so that presumably you can't change that by local action, would you want to leave it that in order to change it, you have to go back to Congress, or would you find it useful to have some mechanism whereby you could make changes yourself, but perhaps with some further—I don't know how you describe it, but either it takes a larger vote or they're a more elaborate machinery or a vote of the people or something. So that you wouldn't necessarily have to come to the Congress to seek a change.

Mr. BAMBERGER. That would certainly seem to be desirable.

Mr. ADAMS. Mr. Landgrebe?

Mr. LANDGREBE. Thank you, Mr. Chairman.

I regret that I had to leave the hearings yesterday before we started the questions and answers, but I will try to catch up a little here today, and looking at the testimony, just a sweeping look at it, I am trying to find out exactly what you people are addressing yourselves to.

Now, you talk about salaries for school board members, and for delegates. What bill are you supporting before this committee?

This Coalition is supported by a number of very illustrious organizations. You've come here, a very fine group of dedicated people, and you talk about a lot of things.

But what is the vehicle that you really are addressing yourselves to?

Do you have a bill? Do you have the framework of a bill that we're going to try to develop into something. Does someone wish to answer the question?

Mr. LEWIS. Yes.

I think we're here to talk about the full range of issues regarding self-determination for the District of Columbia. We did not propose a particular bill, nor are we supporting at this time a particular bill.

We would hope that we would give you a structure and a framework in which this committee would come up with a bill which would address itself to the full range of issues in regards to self-government, which would not only mean an organizational structure, but it would mean the range of issues regarding self-determination for the city.

Mr. LANDGREBE. Well, why would an illustrious organization such as yours not be able to come in here with a bill that has the complete plan that you are promoting, and that you would like to lay before us, and then let us work our will on your legislation?

Mr. LEWIS. We certainly have that capability, Mr. Congressman, and I think we could do that, but that was not the purpose of this particular presentation yesterday and today. We have the capability, and we will be happy to assist you in that regard.

Mr. LANDGREBE. OK.

Then, I would like to ask a couple of questions specifically of Mr. Warner, if I may. He has—I tried to follow along through his testimony, we talk about electing a, in the second paragraph, talk about electing a public prosecutor, and this prosecutor, this man, would for instance be in a position to prosecute the Mayor or a member of the assembly if that became necessary.

Now, please inform me, Mr. Warner, who would prosecute the prosecutor, should something like that be necessary, should he happen to be, you know, in need for prosecution?

Mr. WARNER. Well, that's a nice question. We have not directed our attention to that problem.

Mr. LANDGREBE. OK.

Mr. WARNER. Obviously you have to be able—somebody's got to be able to prosecute anybody, and I would hope that the public prosecutor would not be spending his time, as a matter of habit, prosecuting other people who have been elected.

The point is that, I think, it does provide independence by being elected rather than being beholden to the man who appointed you. It is simply directed at that problem, and it is handled by election in a number of States.

I haven't got a list of them all. I would be glad to supply those. I know in Massachusetts, for instance, he is an elected official, and in a number of States, he's an elected official.

Mr. LANDGREBE. Well, we have the State's attorney in Indiana, and I think most State's do have a prosecutor of some kind.

Mr. WARNER. I suspect, sir, that that problem of who prosecutes the prosecutor is one that arises anywhere in the United States.

Mr. LANDGREBE. I don't know—just in the way of conversation, I understand that in Indiana, at least at the county level, the coroner has the highest authority. And this is kind of hard to understand.

Mr. WARNER. Well, the coroner is a very, very ancient office. It goes right back to the 14th century. There are probably all kinds of residual powers in something like that, but again, it will vary from State to State.

Mr. LANDGREBE. Well, perhaps my first question wasn't as important. I hope I'll come to something a little bit more important.

Further along here, you talked about school board members and you believe the salaries should—the Board of Education members should be raised \$15,000 to \$20,000. The jump will be based on full time.

Now, again, in Indiana, the board of education is a policy making group, and I'm sure that they don't get any wages like this.

Now, are you thinking about a School Board for the District of Columbia that would be in a policymaking and administrative capacity?

Mr. WARNER. Well, we have a lot of problems with the whole matter of public education in this city, and this is true of any large city today.

Mr. LANDGREBE. I think from my observation, you have more problems than most cities in this regard.

Mr. WARNER. Well, whether that's true or not—New York City's got problems, Philadelphia's got problems, Chicago's got problems.

I think we want to make this point, that the Board of Education is a pretty hard working group, and I think they are paid totally inadequately at the present time. The trouble with it is, Mr. Landgrebe, if you don't pay them, then you are restricting the group of people who can run for office.

In the old days here until 1968, our Board of Education wasn't paid a cent. They were all volunteers. When you get into that situation where they have to devote substantial amounts of time every week, it knocks out the number of other jobs that they can hold. And what it does is mean that if you say, well, they're not going to be paid, or they're simply to be paid a pittance, it means that basically the people that you—that are able to spend that kind of time and not be paid for it are retired people or wealthy people, who have means of their own.

It does mean that you're pretty much automatically restricted. The younger men and women who are of childbearing age, who care a great deal about public education because of their kids. This is the basic problem about compensating people who are spending a great deal of time on these very important areas.

Now, whether they should be solely policy or whether they should be administrative this involves a whole other series of questions. There are people working on the problem here in the city.

But the fact is that our compensation base for members of the board is much too low, and they are spending a great deal of time and they are moonlighting in addition in order to make a go of it. And so something has got to be done about this area.

Mr. LANDGREBE. In Indiana, school board members are normally reasonably successful people. We have housewives. We have business people. We have farmers, and these people are policymakers.

And to professionalize this and make it a \$15,000 or \$20,000 a year job would really rule out this type of people. And going back in time, these people serve partly because of the honor of it, and they make policy and then we pay our administrators a salary that attracts competent administrators.

And so we—I just beg to disagree with you, Mr. Warner, that paying school board members \$15,000 or \$20,000 a year—that you are going to get a higher quality of policymakers. It will make a tremendous scramble for the office at election time if you're going to make this as a really worthwhile office, and that doesn't necessarily mean that the qualified ones will be elected. Some of the others who are not qualified may work a little harder at getting elected.

So, we'll move on to a couple of other points: The judicial selection committee and so forth. Why do you people come in here and insist on electing your city councilmen, but feel that the people of the community are not qualified to elect their judges?

Do you wish to have a committee suggest a committee of men of lawyers, who will suggest to the mayor and the mayor appoint it? If he doesn't want to appoint them, then he turns them down and takes who he wants anyway.

But I am from Indiana, again, I am not a lawyer. But it rankles me every time I hear people say that the people are too stupid to elect

their judges. They can elect the President of the United States, but we are not qualified to elect our judiciary.

Now, I am rankled. Now, you get rankled, and we'll get an exciting discussion.

[General laughter.]

Mr. WARNER. Fine.

This is an interesting interchange. I appreciate the opportunity to discuss this with you.

In the first place, I think by and large the country splits pretty strongly—they both feel this way, one way or the other. There are lots of States—there are some States that elect the judges, and some States that appoint the judges. And having made that decision as a statutory matter in the State, you may say you are stuck with it; but both groups are stuck with it.

That is, you try to set up a system of selecting the judges, which will produce a group of competent, potential judges, who will be unswayed by popular fashions of the day. It's a great thing that you have to have as a judge, you've got to have stability under all kinds of adverse circumstances.

We have seen the kind of stability that you need in a court. We've got a difficult criminal situation, and we need to provide stability, and that stability—

Mr. LANDGREBE. My friend, we need stability in legislative laws, too. We really need stability in our legislative laws.

Mr. WARNER. Well, I think we're in complete agreement that we both want stability. But in the judges, it's a little bit different, the judge's function is a little bit different.

And the group, we discussed this, and my own—of course, I think where you came from, how you work, makes a great deal of difference how you feel about it. I came from a place where they had appointed judges. The Federal system—I worked with the Federal system.

The Federal system was appointed, and they have long terms. The Supreme Court, they're appointed for life. The Federal judges are appointed for life and good behavior with retirement age severance.

Our own legal structure here, as a result of the court reorganization and the format of 1970, provides 15-year terms. They are long terms. We need to have a man who is going to stay in, and one doesn't become a judge, a good judge, overnight. It's a very, very long process, and of course, he's got to be able to take—have enormous patience to have a long trial with squabbling lawyers going on day after day.

This requires a very low pitched type guy. He doesn't have to be a popular leader. In fact, I suspect that some of the best judges, the best appointed judges, found he couldn't win an election because nobody knows him. And they might not be the kind of person that would make a good judge.

This is why you get these two opposed schools of thought, and they are two opposed schools of thought; either you get appointed, or you get elected, but you don't do both.

This particular pattern, which we recommend to the committee, came down, in part, in the appointment. It's the only way other States do it. If you're going to do it through the appointment mechanism, then you ought to have a method of coming to a small group, includ-

ing a small group of people who ought to be considered as candidates for a particular judicial vacancy.

In this system, this system as we proposed it, and it works very well in Missouri. And when the 1970 Court Reform Act was proposed here, the District of Columbia Bar Association proposed the Missouri system as a way of transferring the appointing authority from the President of the United States to a group under the Missouri system as proposed by the bar in 1970.

The President is going to make some appointments, and Congress is going to make some appointments, and a member of the court would make appointments, too. This is a perfectly respectable way of handling this, Mr. Landgrebe. It isn't the way that all States do it. This is the way we need it done.

As I say, you can find people split. There's a respectful reason for disagreement, but you've got to do it one way or the other.

Mr. LANDGREBE. You see, I'm a strong advocate of the two party system, and I can't understand why—and in fact, it worked beautifully in our part of the country during the years I was growing up, and my own father was in county politics. That the political parties, in their wisdom—the party leaders would offer qualified people for judge on the two tickets in Indiana.

And of course—

Mr. MAZZOLI. Mr. Chairman, would the gentleman yield?

I may be in the wrong hearings. I thought these were on home rule for the District of Columbia.

Mr. LANDGREBE. Well, you stick around, you'll find out. You'll find out—

Mr. MAZZOLI. I may have come to the wrong room.

Mr. LANDGREBE. We're talking, dear friend, about a proposal that was made by this distinguished group of people here as part of home rule legislation. And since they do not have a bill, and they do have a framework, we are discussing some of their suggested views here.

Mr. MAZZOLI. If the gentleman would yield further, he knows I had the good sense to go to school in his home State, so I have the highest regard for Hoosier.

Mr. LANDGREBE. I wish that my colleague from just south of the border would be tolerant for just one more second, and let me make a pitch for his party and my party.

Responsibility in the political parties, and the leaders of both parties in this city would propose the names and put on the ballots qualified people for judgeship, and then let the voters work their will. It worked beautifully out there in Indiana for a century or more.

We are starting to kind of chop it up in Indiana now by different rules and changes, but we used to have—we had a lot more law and order in this country a few years ago than we've got today and I'm concerned about it.

Since my colleague from Kentucky is getting impatient, I will yield back the balance of my time, and he may proceed.

Mr. ADAMS. Thank you, Mr. Landgrebe.

Gentlemen of the panel, we appreciate very much your being here. Counsel may have some more questions, both Mr. Hogan and Mr. DePuy, but they will submit them to you in writing.

And if later in these proceedings, it becomes necessary for us to consult with you further, we will do so.

We appreciate—

Mr. FRASER. Mr. Chairman, I just wanted to pick up a suggestion that Mr. Landgrebe made. I would think it would be useful if the coalition or some of their people might work on drafts.

Mr. ADAMS. We would hope that the coalition would do that. We understood their reason for coming in now, and making a presentation rather than specifics of a bill. But the committee, and as I have indicated to other witnesses, at least this member would be willing to put in by request any bills that you may wish to present; so that they will be before the committee in actual final or drafted form.

Thank you very much. We appreciated the cooperation of the panel. The next witness this morning is Mr. John Hechinger, and thereafter, we will have representatives of the Statehood Party.

Mr. HECHINGER. Mr. Chairman, may I request to yield to the distinguished friend of mine, Julius Hobson, with the request that I might follow after his testimony.

Mr. ADAMS. That will be fine Mr. Hechinger. We appreciate that. I know that they are here and waiting. And with your request in mind, we will do that.

We have two representatives who have listed an indication of desiring to testify for the statehood party, who have yielded to Mr. Julius Hobson. We also have Mr. Charles Cassell.

And I understand, Mr. Hobson will be accompanied by a group of individuals, and will be testifying on behalf of the statehood, the District of Columbia Statehood Party.

Mr. Hobson, do you wish to have a panel with you? Do you wish to address the group and make the presentation yourself?

The committee will hear it in whichever fashion you may request.

STATEMENT OF JULIUS HOBSON, SR., D.C. STATEHOOD PARTY, ACCOMPANIED BY DICK BROWN, JOSEPHINE BUTLER, JULIUS HOBSON, JR., MICHAEL LEWIS, AND JOHN ROOT

Mr. HOBSON, Senior. I have a number of people here.

First, I want to thank you for the opportunity for coming, which I am not really happy to do, because I really get incensed at the idea of having to come before Mr. Adams and Mr. Landgrebe and Mr. Mazzoli to testify about self-determination in the country in which I was born 50 years ago, and never had a right to exercise my citizenship. I didn't vote for a single one of you, and if I lived in your district, I might not have voted for you.

And to have to come before you and go through this really folderol each year—and I have done it for 20 years—dealing with the question of self-government, when everybody here knows what we are talking about—I think it is dishonest, and I think it throws a curve to this community to sit down and to go into details of how much is it going to cost to run the Police Department, if you had statehood? And I think that there isn't a single Representative, a separate Representative from the District of Columbia that has—I don't know—enough of

something to advise his constituency to settle for less than their constitutional rights.

I am 50 years old, and I lived in a State in which I could not vote half my life, because I am black. And now I sit before, each year, a committee of distinguished, well-paid rich men who don't know a damn thing about the difficulties that are going on in the District of Columbia and voice my sentiment about home rule.

Now, I came here to support a bill for statehood, which is the 10th time that I have done it. There is no intelligent argument against statehood. I have heard political arguments, and I have heard selfish arguments based on the personal aggrandizement or advancement of individuals, but I have seen no data, and I have heard no intelligent argument put forward by anybody as to why we shouldn't have statehood for the District of Columbia.

I suspect that there are some members of this committee and of this Congress who don't want us to have it, because this is a black city. I suspect that there are others who don't want us to have it because it would mean some economic difficulty for them, in terms of contracts or school boards and so forth. And I personally am very angry, not at Mr. Adams as an individual—I am not attacking the integrity of anybody on the platform, because I don't know anything about your integrity—but I am attacking the idea of having to come before you with this.

And now, I understand, we've got a man named Diggs, who is now chairman of the committee, and he looks like me and he is black, and I am supposed to be happy because he is chairman of the committee, but he doesn't want home rule either.

Now, I don't see any more advantage in having Diggs represent me—whom I did not elect—than to have McMillan from down in my home State represent me, whom I did not elect.

I want self-government, and I think that the people of the District of Columbia have just as much damn intelligence as anybody else on Capitol Hill, any of your lawyers or anybody else who has the competency or the tenacity to deal with the question of home rule. I have here the whole question of statehood, a memorandum which I wrote for Mr. McGovern, until he was frightened off by some of the Democrats, and Mrs. Coretta King, about introducing a bill dealing with statehood. I came to support Dellum's bill.

Now, are we going to have home rule or are we going through this kind of stuff every year? Are we going to have Mr. Kennedy, on the Senate side, show what a great white liberal he is and have us all march up and say, yes, and Mr. Kennedy introduces a bill which isn't worth a damn that doesn't get out of committee? Or are we going to be forced to come before this committee with this kind of stuff again?

This is the 15th time, and we have presented and the people of this city are capable as anybody up on that platform of determining whether we want to elect a school board, or whether we want to elect a chief of police, or whether we want to have this kind of tax or that kind of tax, or whether we want to spend the tax in this fashion or in that fashion. And it is an insult to 800,000 people in this District of Columbia to have to sit here and beg a committee each year for its right to self-determination, which every other American is born with.

Now, that is what I came before this committee to say. I have no prepared testimony. I've got a few editorials here, where the chairman of this whole thing is arguing with WTOP. I've got another piece of paper where some man named Mr. Fraser came up with a brilliant idea of some kind of charter. Well, we don't want a damn charter in the District of Columbia. We have been through that. That is stupid. And we say it is stupid with all of the authority and ego that we can muster, and we will be glad to match intellectual or technical or any other kind of wits with any man who wants to have a charter in the District of Columbia.

We want home rule, and we think that if you are Americans who believe in the question of self-government and believe that all Americans have the right to what do you call it—life, liberty, and the pursuit of happiness—and self-determination, then we will quit playing games up here with this committee, get a damn bill on the floor to the House of Representatives, and get out there and fight for it and vote for it.

And if I were Mr. Fauntroy, I would not let the floor of the House of Representatives function until they deal with the question of giving my people the right to self-government.

Thank you very much.

Anybody else want to say anything?

[General applause.]

Mr. HOBSON, Junior. My name is Julius Hobson, Jr.

I argue with my father a great deal about the history. For those people who talk about the history of the District of Columbia, the District of Columbia did have home rule, as such, for 51 years, from 1820 to 1871, bicameral legislature, including a delegate and mayor elected for 2 years, a 2-year term of office.

Under the infamous Grant administration, this was changed, and everybody was appointed; and they worked through the Public Works Commission. And in 3 years, the city went bankrupt. And from then on we were saddled with a three-man commission, one of them from the Army Corps of Engineers.

All right. In 1967, we were saddled with this crap we've got now, where they call him a Mayor and he's not a Mayor. They call it a city council and it's not. Everybody is appointed.

All we are saying is that everybody is coming up here, talking about the kinds of home rule bills they would like to have. And Mr. Lewis will sit right here at this table, started talking about things that an elected mayor would do, if it was a State.

Now, everybody around here is running around the issue of a State. Nobody here has said that it won't work. We will cut out that portion that belongs to the District of Columbia. The Constitution says that Congress will set the boundaries of the District.

All right. The boundaries can be closed in to include the Federal buildings, and the rest of it can be made a State.

Mr. HOBSON, Senior. May I interrupt?

I hate to be rude. Mr. Hobson, Junior, but we did promise Mr. Hechinger that we would be quick about it.

We have insulted the committee, and we may be in contempt, but that is the way I feel about it. And we will be glad—because we have a research team. We work on home rule and all the other social problems crying for solution in this city. We would be glad to support you.

If you would like to ask us any questions, we would be glad to answer them. If not, we'll get out of your way and let you hear from the nice gentleman, Mr. Hechinger, on home rule.

Mr. ADAMS. Does any member of the committee have any questions?

Mr. FRASER?

Mr. FRASER. Mr. Chairman, I was very interested in Mr. Hobson's remark. I am a great admirer of him. I accepted the first part of your statement as true. That is why I came up with the idea that I did. It occurred to me that it was somewhat strange that we should be sitting here, not representing the District, trying to write some kind of government. So that is why I thought, well, maybe it's better for the citizens of the District to write their own form of government, which is the way we do it in our State. But I am not, as I have tried to make clear, I am not wedded to that approach.

Mr. HOBSON, Senior. I don't disagree with that. I think that is a good idea. But what I mean is, let's get on with writing it. Let's do it, starting right now.

Mr. LEWIS. There is another part of it—if you'll excuse me, Julius. It seems to me that there is an established way of having the people in this country represent themselves, and that is through being a State. I think, once again, we are playing these games.

My family has been in the District of Columbia for 100 years. I am now 30 years old. I am not as old as Julius, I have not been up as many times. But I can remember being up here last year, doing exactly the same things, saying the same things, to some of the same people.

Now, some of the people have changed up there. Some of the people here have changed. Our desire for statehood, our desire to be able to govern our own affairs has not changed and will not change.

Mr. FRASER. Well, if I may—

Mr. ROOT. Another part of this answer is, when we become a State, we will have a constitutional convention in the District to determine the form of government that our State would have, the State of Columbia. That is the point at which the citizens would have a chance to decide their form of government.

Mr. DEPUTY. Would you identify yourself for the record, for the stenographer, please, both of those two speakers?

Mr. LEWIS. I'm sorry. My name is Michael Lewis.

Mr. ROOT. My name is John Root.

Mr. FRASER. Let me make the point that it may be, of the two choices before us, that statehood may be much more difficult to pass through Congress. Now, maybe not. But I make the point because, if the people of the District are granted the right to elect their own officials and are given as much authority as we can fashion from legislation, it doesn't seem to me that ends the question of statehood.

In other words, it seems to me that it may be a proposal that should be kept alive and, perhaps, enacted. I myself think there is a considerable amount of logic to statehood, but it isn't going to do the District any good if we can't pass it through Congress.

What we have a chance to pass, I think, is some kind of initial grant of the right to elect officials.

Mr. HOBSON, Junior. I can understand that.

Mr. HOBSON, Senior. Wait a minute.

As an American I resent—and I am sure you do, too—the whole idea of settling for less than our freedom. You are telling me to settle for less. Let's go with what we can get. We can get self-government, if 800,000 people of the District of Columbia say they want it.

And I am sure you know, Mr. Fraser, if you produced something like this—and I read it and it's pretty good—if you produced this, I am sure you know that producing a statehood bill out of the Congress of the United States is twice as easy as any home rule bill that you can think of. You do not have to have a constitutional amendment. All you need is a majority of one in each House, of one vote. And you do not need—the States do not need to ratify statehood.

And once you have got statehood, it could not be taken away from you, because you would be protected by those amendments which protect the States in the Constitution of the United States. It would settle immediately and automatically the whole question of self-government, because we could have a constitutional convention and elect our own form of government.

I just feel that we should now have that opportunity to do that, and nobody has said—I am called the master of the invective—the name-calling and screaming, none of that matters a damn. The very fact is that we have some information which we have been working on and which we have been dealing with, that deals with statehood, that we are willing to present. We would like to come and show—we'll work, instead of going through the farce of the cameras, and Hobson was up today. I can see the headline in the morning; he called somebody a bad name and this kind of folderol. And this has been going on for years up here, and we have been wasting some time of this committee.

I have to go, because I can't stay up for long. I want to thank you, but let's have some statehood and let's get on with voting on it.

Thank you very much.

MR. ADAMS. Thank you, Mr. Hobson, and the others who have testified. The committee appreciates your testimony.

We have also this morning Mr. Charles Cassell, and we have Mr. Hechinger, who yielded to Mr. Hobson.

Mr. Hechinger, if you want to come forward now to complete your testimony, and then we will proceed with Mr. Cassell.

STATEMENT OF HON. JOHN W. HECHINGER, DEMOCRATIC NATIONAL COMMITTEEMAN FOR THE DISTRICT OF COLUMBIA AND FORMER CHAIRMAN OF THE CITY COUNCIL

MR. HECHINGER. Thank you, Mr. Chairman.

I am pleased to appear before the Government Operations Subcommittee in support of home rule for the District of Columbia. As one who has served as Chairman of the City Council and has long worked for self-government for the District of Columbia, I believe I can speak with some special insight into the matter of home rule.

When I was appointed as Chairman, President Johnson instructed all of my fellow councilmen to act as if they were elected, and this we tried mightily to do—but there is no such thing as "ersatz" elected officials. Authority with the accountability to one's constituency is not the American democratic way. The plain fact of the matter is

that 800,000 Americans—more people than in 10 States of the Union—are second-class citizens. How can the Congress continue this injustice—the absurdity that the capital of the leading Nation of the free world is itself not free.

Achievement of self-government involves careful attention to certain practical matters, and it is these which I know you wish to consider this morning.

With respect to the general questions of the form of government, its powers, and the way in which elections are to be carried out, I endorse wholeheartedly the proposals made by Vice Chairman of City Council, Sterling Tucker, yesterday morning on behalf of the Committee for Self-Determination for the District of Columbia.

I participated in the committee discussions and was greatly impressed with the thorough manner in which issues and alternative proposals were researched. The proposals for an elected mayor-assembly government, for full legislative and fiscal authority, and for the automatic Federal payment mechanism I believe truly represents the consensus among those who are most knowledgeable about the District government and who have worked diligently for home rule.

Leaving my prepared text, I, too, am as shocked as Julius Hobson about the proposal of Congressman Fraser about the charter commission. We definitely feel that this issue has been chartered, discussed, brought forward, actually taken to the people, and only last year, at Congressman Fauntroy's individual ward hearings. It has been done over and over again. This is not an elitist point of view. The idea is to get us off the ground, allow us sufficient authority within that government that you decide, and they will do the additional duties of the charter commission. It is a terrible delaying action. It is a terrible bombshell and a hoax, because I know how much Congressman Fraser has been a friend of us in the District.

The practical proposals for self-government are also completely consistent with the experience I had as the first Chairman of the District of Columbia City Council when the present form of government was established in 1967. Based on this experience, there are several points which I would like to emphasize.

First, the fact of the matter is that a city as complex as Washington needs strong executive leadership balanced by a representative legislative body, both of which are in close contact with the government and the people of the city. The District of Columbia has made great strides in management improvement under the leadership of Walter Washington since 1967. There is much to be done, as the landmark Nelsen Commission report indicates. I agree with the thrust of the Nelsen Commission and applaud the devoted effort that Congressman Ancher Nelsen has given to our people over many, many years, culminating in the Nelsen Commission report, which will serve as a guideline for improving the efficiency of our municipality.

Who would consider going back to the Board of Commissioners—an antiquated system of divided authority. But the gains have been made under great handicaps. Responsibility for local functions is still fragmented into a plethora of commissions not under the Mayor's authority and several committees of both Houses of Congress.

I am sure each of you has had the experience of trying to track the responsibility for a particular policy in the District of Columbia, only

to find a maze of overlapping jurisdictions. I know I have, as the Chairman of the City Council, as businessman, and as a citizen. This system does not serve your interests. Nor does it serve the interests of the District residents or of citizens from all over the United States and the world who come here on business or as tourists, and your constituents who expect you to be attending to their business and the Nation's business.

Second, I would like to give very strong support to an assembly of 13 members, eight of whom would represent wards and five of whom would be elected at large. I believe this is both the proper size and the right mix of at-large and ward members for an area with the geographical compactness of Washington.

In a relatively small assembly each member is known to the public and can be held accountable. The difficult matters which this deliberative body must consider generally involve matters of priority and of familiarity with the financial implications of alternate decisions. A 13-member body can have considerable diversity. But at the same time each member will no doubt chair at least one committee, will serve on several others, and will be intimately involved in all budget and tax matters. Thus the members, of necessity, will have to continually be able to come to grips with priority and budget questions. Staff support can be provided to a small assembly without great expense to the public.

In its early days, the present District of Columbia City Council tried to assign its councilmen to the weight wards, although serving at-large, to give more visible representation to the various sections of the city. Electing the major portion of the assembly from wards is, of course, the way to do it. The small size and the presence of the five at-large representatives from whose ranks the chairman will be selected will assure that matters affecting the whole city will be properly considered.

Compensation for members of the assembly must also be adequate. One of the greatest frustrations I felt as Chairman of the Council was the fact that some members could not afford to take large amounts of time away from earning a living. On the other hand, however, I am in favor of not labeling the assemblyman's position as full-time so that persons from all walks of life can serve—doctors, dentists, businessmen, Government employees, and so forth.

Finally, the experience of the present Mayor-Council form of government gives solid support for the idea that local government with self-determination will be both responsible and responsive. On the executive side, the Mayor of the District of Columbia has used his limited reorganization powers wisely. There is no doubt that the District of Columbia government can administer effective public safety, welfare, sanitation, and other services.

There is demonstrated capacity to operate the government on sound budgeting procedures. By its procedure and its action the existing City Council has laid the groundwork for an effective assembly when its members are elected and its powers expanded. Through extensive public hearings and public deliberations on the budget, the City Council has established the principle of responsible consideration of tax and expenditure policy.

To leave my testimony—its very deliberation on the highway matter, the Three Sisters Bridge, is responsive and, certainly, in tune with other city councils across this country.

The Council has consistently followed the principle of not proposing expenditure unless off-setting revenue sources can be identified. During my tenure as Chairman, the Council approved recommendations for increases in a variety of taxes—income, sales, property, auto licenses, et cetera.

There has been no wild permissiveness, no breakdown of law and order, no reduction of tourists, no violation of the national monuments, and none of the insulting racial things that were whispered about that have stopped home rule in the last century. I am confident we can and will elect equal or better quality officials than those that now serve in every village and hamlet from sea to shining sea.

I stand ready to consult on the details of the bill as you move along. Please move along.

Thank you.

Mr. ADAMS. Thank you, Mr. Hechinger.

Mr. Fraser, do you have any questions?

Mr. FRASER. Thank you, Mr. Chairman.

I would like to make one observation, Mr. Hechinger, and ask your comment on it. Over recent years, at least for myself and, I think, perhaps for some of my colleagues on the committee, our involvement in the details of writing the charter or statute for home rule has been limited by our recognition of the difficulty of securing a recommendation for any bill out of this committee, or even of getting it passed on the floor.

In other words, it is difficult to invest a large amount of time in what appears at the outset to be a fruitless endeavor. I think the environment this year is considerably different, and as a result, many of us—at least for myself, and I should, perhaps, only speak for myself—want to get as deeply into these questions as we can, in the hope that by doing this we can maximize our ability to do the best job, both in terms of the substantive provisions, as well as in our ability to defend whatever we may recommend. I think we can get a bill out of this committee.

I make this point, though, to suggest that I am not, myself, prepared to be locked into considering only what the coalition proposes. I happen to have been the author of a constitutional amendment in my State which was designed to emancipate communities from legislative control. It was known as home rule amendment No. 1. It was passed in 1957 or sometime later, so I became very deeply involved in the whole process whereby you emancipate municipalities from legislative control.

And to a certain extent, we have got the same problem here. Because no matter how we slice it, Congress is going to retain, obviously, constitutionally retain some legislative responsibilities. But even more serious is the question of whether the Congress will continue to keep intervening in local matters, no matter what we do.

This is one of the reasons, it is one of the options I wanted to pursue: the possibility of using the home rule charter approach, both because it would draw in people in the District in writing the charter, if we

wrote a good bill. The whole procedure then would be, in a sense, out of the hands of Congress. If elected officials—and I mean elected—can sit down and write a charter and then it goes on a regular sequence to a vote of the people, it becomes effective.

Then there is an election of the public officials which are authorized under it. From my point of view, there is much to be said for it, rather than our sitting here trying to write a charter for a city that many of us don't know that much about.

Now, as I have indicated to you, I am not wedded to that approach, but I am not, myself, prepared to foreclose looking at that approach, because those who have worked so hard on home rule over the years have one track that they have identified as the preferable track. I accept their right to do that and accept the possibility, or even the probability, that may be the best way. But, for myself, I am not going to say that that is the only option that I am prepared to look at, now that I feel both the opportunity and the responsibility to look at these questions much more carefully and in more detail, I think, than has happened in the past.

I don't know what your viewpoint is on that, but I wanted you to know of some of the reasons why I have deliberately opened up some choices that I think the committee is going to have to look at here.

Mr. HECHINGER. Well, Congressman Fraser, I believe that my response to the earlier question of Mr. Landgrebe in regard to the bill, as presented by the coalition, would be as follows: that, in fact, what the coalition presented to you and what I support is a body of very concentrated thinking on each one of the points and asking you, in your wisdom, to choose among those to present to the whole Congress, so that it may pass. For example, the discussion that was going on regarding the judiciary—if you felt that this would pass Congress, to have the judges elected, that it would help the bill, or it would be the proper way to do it to get it through Congress, then select that.

In fact, these are things of choice which you must select from. And it seems that, rather than have the coalition present the bill, because you must pick and choose—but the idea is, when you go further than that and suggest a step which, in my opinion and in the opinion of everyone across the spectrum will be nothing but a tactic to stall home rule for years to come—that is, an elected charter commission.

The fact is, you would never dare to propose that in your home State. I can't imagine that. A town in your State today might well choose a strong mayor, a council form of government. They may go ahead and select a city manager type of government. I don't believe that there is a necessity for that step, because if you have—as proposed by the coalition, proposed last year—in terms of the Eagleton-Fauntroy bill, the ability to retain the constitutional powers in the Congress on a veto basis only, on the basis somewhat the same as the Reorganization bill—but then allow this form of government to get going and have some power of increasing the assembly, decreasing the assembly, adding wards, dividing wards, and so forth. Then they will act as a charter commission, as elected.

But if you have a charter commission, there is no doubt about it—it will—we will never make 1976 with home rule for the District of Columbia.

Mr. FRASER. Let me lay out a scenario for you on this.

Let's suppose that we enacted a bill that gave a broad grant of authority to the District, as broad as we could write, to adopt their own charter, and that we said that the election for charter commission members must take place this year, that they must present a draft to the voters in November of 1974, a general election, that if approved, that the election of municipal officials would occur in the fall of 1975.

Now, supposing that that is all laid in a bill. Where do you get out of that scenario a 10-year or 5-year delay? What is your theory here?

This is the way it works in our State. Why do you come and tell me that it won't work? On what basis? What experience do you have that would justify that conclusion?

Mr. HECHINGER. I have a hundred years of experience—not relating to my age, however. But I would say that that means that when that is—with the residual powers still remaining in Congress, which many of us think—and I think you do, too—there will have to be some retention in terms of the constitutional hold on the thing. When that charter commission comes up with a scintilla of difference that does not fit the pattern of what a transferral of powers has indicated, that kind of blanket thing will be brought back to Congress, snapped right back and rehashed all over again. We'll be right back here.

So that my experience, of course, is the same as yours. But why the difference in our State is that you have the oversight power—not you and all of our friends, but there are enemies lurking by the dozens against the whole issue, that will get this thing back in Congress. You've got to face it now.

Mr. FRASER. Well, I don't accept that conclusion, that Congress will automatically reintervene. The State legislature has the same authority to reintervene. The city councils, city governments are the children of State legislatures, as the city government of the District will be, presumably—

Mr. HECHINGER. But the State legislatures, Congressman Fraser, are also the children of their own constituency. You are not, and those who are against it are not members of our city, I mean, are not citizens of this city, in terms of voting citizens, and they are in the State assembly. There is also back-scratching between one district and another, all people who are at the same level.

We are not dealing with our peers when we speak before Congressmen from other States.

Mr. FRASER. Well, let's pose a hypothetical here—and I am not sure it's a real one.

Supposing that the charter approach won wider acceptance and was more easily passed here in the House than a description of the kind we had in bills of last year. You would still prefer the latter?

Mr. HECHINGER. My honest opinion is that it—that I would pray you to withdraw your support, because I think, with your distinguished record, with your chairmanship of the Democratic study group, of great influence on this Congress, that the only way it is going to win wide acceptance over a straight home rule bill is by such distinguished report.

I believe that nobody understands what we are talking about this morning; 435 Congressmen don't even know what—I mean—not all of

them, but just as was reported by Congressman Adams, traveling on a plane. Nobody, even a Congressman, understands that we really don't have the vote.

Someone says to Sterling Tucker—well, he didn't know that he wasn't elected. Nobody even understands that. The fact is, that it takes this body of concentrated—that is the House District Committee and especially the Government Subcommittee—it takes this body that is generously spending its time on our affairs—and don't think we don't appreciate it, every moment that you take away from other things—these are the people that are going to have to present to the rest of the Congressmen what they think is wise, and then let's go to the politics of the thing and try to get the vote. They don't know the difference between a charter commission or otherwise.

Mr. FRASER. Well, let me make also the other point, though. This, I think, is so: no matter what we come out with on the floor, we'll be in a stronger position if the Members feel that we have looked at all of the choices as carefully as possible. I really think that one of the things that will help here—and I am very much committed to getting home rule in the District—is that we come, having searched out all of the possibilities, explored all of the avenues, and arrived at what we think will be the most workable approach.

As I say, I am not wedded to the charter approach. I think it is a serious enough possibility that it deserves to be examined, along with all the other choices we have.

Mr. ADAMS. Mr. Hechinger, there is a quorum call and, with your permission, we will go answer, and then we will return so we can finish with your testimony, and I would ask if Representative Fauntroy would take the chair. Counsel may have some specific questions on the technical aspects. I will return as quickly as I can answer and be back.

Mr. HECHINGER. Thank you, Mr. Chairman.

Mr. FAUNTROY. Counsel?

Mr. DEPUY. Thank you, Mr. Chairman.

I have just one question, Mr. Hechinger.

On page 3, you mentioned the plethora of commissions and the maze of overlapping jurisdictions. Do you have specific recommendations to make to the subcommittee as to which boards, commissions, agencies, and so forth that we might take some action on, either Federal or quasi-Federal boards or even local boards, for that matter, that require some streamlining or overhaul of some sort?

Could you supply those recommendations for the record?

Mr. HECHINGER. I can mention a few. I would not say that it is exhaustive, without having a list in front of me, but I do believe that full authority within the city should be given over to the Redevelopment Land Authority, the RLA. There has been some transfer of authority, and I don't know whether it is complete, with regard to the National Capital Housing Authority, the National Capital Planning Commission, and its powers relative to planning for the city, as against the Federal establishment.

I would say, offhand, that that is the list that comes to mind, and I would submit a more extensive list, if I may, Mr. DePuy.

Mr. DEPUY. Thank you.

Thank you, Mr. Chairman.

Mr. FAUNTROY. Mr. Hechinger, I certainly apologize for not being here to hear your testimony. As I have indicated in the previous hearing, our Banking and Currency Committee is now in the markup process on the wage-price stabilization renewal. As you may know, I have introduced, both for local and national legislation, a bill to control rents and prices, interest rates, dividends, and profits. Those decisions are being made this morning in the form of votes on those matters, and I have had to be in and out today, as I was yesterday, so that I have missed the meat of the testimony.

But on the basis of what I have been privileged to hear, on your discussion of the charter commission, I assure you I am pleased at the position you have taken. I am sure that the vast majority of people in the District of Columbia would view a charter commission route both as a delay and a waste of time and money; that, in the last analysis, the decision as to what form of government the District of Columbia will have is going to have to be made by this Congress.

We certainly appreciate the vigor with which our new chairman of the committee and chairman of the subcommittee has pursued a course designed to give this Congress an opportunity to do that.

You have addressed in your testimony the critical question of a Federal formula for having the Federal Government assist in the payment for many services that any local government would have to deliver to the Federal Government. We had a discussion yesterday in this connection, as to whether or not the Federal responsibilities for finance could be sharply identified and separated from the local responsibilities, and I don't know if you would have had an opportunity to respond to the queries of Mr. Adams on that theory or not. But if you haven't, I would appreciate your commenting on that at this time.

Mr. HECHINGER. Mr. Chairman, I have really spent considerable time on this matter, not recently, but at the time that we were serving on the city council together, attempting to define what the Federal payment should be and relating it to services rendered.

The fact is that I have consulted with Ken Back and other members of the accounting and fiscal affairs division of the District of Columbia government, and it is very elusive. It appears that that would be, probably, not advisable.

These are the reasons why. There is such an overlap of functions. You take, for example, in the policing action, what does that policing action mean? Take for example, the matter of health inspectors. Now, that is a policing action. Congressmen, visitors, tourists are going to restaurants and their safety, in terms of eating there, is based upon the District of Columbia furnishing health inspectors to look at restaurants.

This is indicative—and I can cite other examples—but the fact is, there is an overall presence and a broad presence of the District government which is serving the Federal and national monument status of the city. Therefore, there has to be a presumption of amounts to be spent. I think it must best be served without saying, look, 10 percent of the police force is surrounding Capitol Hill, and that should be charged. The highway or street-cleaning around the Federal Triangle can be defined as such and such.

There is an overall presence that has to be accounted for by a blanket payment, without precise measurement.

Mr. FAUNTROY. Second, Mr. Hechinger, with respect to the prospect for the election of a mayor and members of the city council. Many people have indicated the need for an adjustment of the Hatch Act provisions to allow citizens of the city who work for the Federal Government to participate freely in the political process.

What is your view on that? How extensive, in your judgment, should an adjustment of the Hatch Act be to accompany our needs in the District of Columbia?

Mr. HECHINGER. I think that the Hatch Act certainly ought to be amended to permit the activity of District and Federal employees at the city government level, that is the municipal level, the very government we are talking of here. Whether or not they should be eliminated on Federal elections, elections to the Congress, delegate positions such as you are holding, may be a question beyond the thing we are addressing this morning.

There was a consideration within the coalition as they discussed this to, perhaps, avoid burdening the home rule bill with an amendment to the Hatch Act, as being deleterious to its passage. The fact is that, maybe—it was even thought that this was handled by the Postal Committee, the Postal Civil Service Committee, rather than the House District Committee. The fact is that I think it is very necessary. I think that, in terms of some two-thirds of the employees of Washington, I believe, connected with either the District or the Federal Government, that we should do this. I am not sure this is the moment.

Mr. FAUNTROY. I see.

Counsel?

Mr. DePUY. No further questions.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. Hechinger, turning to the question by Mr. DePuy, you indicate that you feel that there should be some realignment of the authority of the RLA, presumably directly brought into the District government, and the National Capital Housing Authority brought under the District government, which, is one of the recommendations of the Nelsen Commission.

Do you agree with that?

Mr. HECHINGER. That's right. I do.

Mr. HOGAN. Now, the National Capital Planning Commission, you suggest that there should be some realignment there. What is your view of the realignment of authority there?

Mr. HECHINGER. There should be a sort of—that the National Capital Planning Commission, really, the planning function should be removed entirely from that organization, from that Commission and moved to the executive body of the city, leaving with the National Capital Planning Commission the oversight regarding the Federal interest.

The question now is that the present procedure requires the National Capital Planning Commission to rule, recommend, on anything within the bounds, I believe, of what is known as the original city of Washington. It makes another bureau, with people appointed from across the country, so that my thought would be that they would

be—we would be left with a recommending position, which may require some—I think it has been indicated within the testimony of the coalition—some eventual arbitration of the matter.

For example, as someone foolishly said, suppose there was an indication of widening Massachusetts Avenue or closing Massachusetts Avenue—not closing, but narrowing it—there would have to be consortion of interests there worked out.

Mr. HOGAN. Turning now, for the moment—the chairman mentioned, Congressman Adams mentioned yesterday the possibility of, perhaps, winnowing out on a functional basis, again—or maybe a geographical basis, also—those functions which are principally Federal or totally Federal and those which are principally local, and then narrowing down those which are a combination of Federal and local as far as planning is concerned.

We heard Mr. Hobson this morning and Congressman Dellums yesterday, indicating the support of their home rule bill, that they would carve out, geographically, the Federal enclave, which I think Mr. Dellums referred to.

You indicate that you oppose that? Or you don't oppose it, rather, but you feel there would be great difficulty with that, as I understand your testimony.

Mr. HECHINGER. Mr. Hogan, I think, certainly, on the basis of reality, the ability to have passage of this is far less than the establishment, first, of the Mayor-assembly and then move toward statehood, should it be a practical thing later.

I do feel some difficulty, actually, in the Federal Triangle being the remainder of the District of Columbia. There certainly are constitutional problems like—that they would have, as I understand it, three electoral votes left within that 5- or 6-square mile enclave. I think, furthermore, like you said a moment ago, the question of what the Federal payment should be. We would cut the heart out of the rationale for a large Federal payment, even though it may still exist, namely, that, as I said, Congressman Adams, when you were out of the room, that the fact is that the health inspectors for restaurants are serving the—a number of immeasurable things like this.

We have to have a Federal payment not based upon detailed quantification of the services, but the fact of everything. I think that with a statehood proposal that there would be this enclave, the Federal payment, based somewhat on the concept that the Federal Government is taking 100-percent location of our real estate. In other words, downtown Washington is nontaxable does in fact cause difficulty in understanding why the Federal payment would be as high as necessary to support all the services that were provided.

Mr. HOGAN. Well, if I understand Mr. Dellums' bill correctly, I think what he is carving out is not any taxable area, any private property. I think what he carves out in the Federal enclave, is nothing but a federally owned area. I could be wrong in that. But if that is correct, then there would be no residual of any residents, nor would there be any residual of any electoral votes, because there would be no residents, as I understand it, within the area that he would leave.

But what I was trying to do was determine whether you have any feel for whether or not there is any way of narrowing, either on a

geographic or a combination of geographic and functional basis, what the Federal interest is in legislation that this committee might report out. Because if you have, whatever local government you have, acting on measures which could affect the Federal interest, then, because of the legislative oversight that Congress would continue to have in all of the bills that are before the Congress, wouldn't you always have some point—at least potentially—have some point of controversy coming up continually?

Whereas, if before you passed a bill like this, you could narrow that controversial area as much as possible, both geographically and functionally, so that you are, in effect—by doing this, you are limiting somewhat those controversies which could come up some time in the future that might result in a confrontation or an overriding by way of oversight by the Congress of something that the local government has done.

Do you follow me?

Mr. HECHINGER. Mr. Hogan, are you sort of academically proposing that narrowing that interest to the circumscribed area that Congressman Dellums' bill—would be a narrowing. Did I understand you? I didn't mean that you were opposing it, but—in directing your question at me—

Mr. HOGAN. I was wondering what position you would take.

I am trying to determine, either geographically or on a combination of geographic and functional bases, whether the Federal interest and the local interest could be defined. If, for instance, the core area here, the monumental area, is federally owned and the buildings on it are federally owned—and I think you would agree that, probably, the National Capital Planning Commission would have, under any definition of what their authority would be under reorganization, they would probably have definitive authority on the monumental area.

There are other areas in a city where, both geographically and functionally, the District and the local interests would be predominant. There are those other areas, both geographic, where the embassies and chanceries are and some Federal property is located and, perhaps, some avenues in the L'Enfant plan, where there might be, practically and esthetically, a Federal interest in maintaining those. There is also a local interest in getting back and forth through the city. There is also a Federal interest in utilizing those transportation routes to get Federal employees into the city and to the Congress, and it is in those controversial areas that it is always going to be difficult to define the Federal or local interest. The interests are inextricably intertwined.

I was wondering if, in coming up with some legislation here, if those geographic areas, monumental areas, could be clearly defined. If, perhaps, some of the local areas could be clearly defined, either geographically or functionally, some guidance could be given so that we could avoid what might well result in confrontations each time the local government, if it were to pass legislation which might cause some collision or controversy over what the Federal interest or the local interest is.

Mr. HECHINGER. Well, I think that the main thing is that all those difficulties must not prevent the ultimate purpose of your hearings, which is to enfranchise 800,000 people. The fact that there are other

cities that are capitals of major countries who are Federal districts similar to ours and have been able to work that out. I believe that it can be worked out here. I do not believe, in other words, that carving out the monumental area would be the only, nor would it be the easiest, solution in terms of our solutions for running the city.

Because, in fact, I do admit that when you get one block beyond that line that you previously defined and you build a 36-story building, because it is local, you are infringing, perhaps, upon that monumental area. There has to be a mechanism which can be worked out, in which there is a common bond between working with citizens' needs for sanitation services and their need to have the right to elect their own officials. And this rather mechanical problem, which we have lived with, we can work on it again. But to narrowly define that will, I do not believe, really serve to either get the bill through Congress or actually be a practical solution, if it were actually undertaken.

Mr. HOGAN. Well, I do see some problems, I must confess. I imagine a principal concern to Members of Congress, is going to be the question of—you indicated policing action. I would think that probably might be of some considerable concern to the Congressmen if the matter is brought up on the floor, as soon as the bill is reported out of this committee. It seems to me that this is going to be one of the questions that members of the committee are going to have to respond to. You know, how is the Federal interest going to be protected in that particular respect? To say that it has worked well currently with a substantially enlarged police force, for instance, and, of course, cooperation between the Federal officials and the locally appointed officials currently leaves open the question of what happens with an elective government. All of the problems that have confronted the community and Congress and everyone living in the District of Columbia within the last, let's say, 5 or 6 years have largely been adequately met. But marches on Washington, D.C. have been of recent enough vintage that, certainly, it is going to be of concern to the Members.

If there could be some—if the question could be addressed in the committee, before it gets out on the floor, I think it would enhance the chances of the legislation passing.

Mr. ADAMS. Thank you, Mr. Hogan.

Thank you, Mr. Hechinger, very much, for appearing this morning. We appreciate your statement, and thank you for also yielding time, so that we were able to make our witness list move more smoothly this morning. Thank you.

Mr. HECHINGER. Thank you very much.

PREPARED STATEMENT OF CHARLES I. CASSELL, CHAIRMAN OF THE D.C.
STATEHOOD PARTY

My name is Charles I. Cassell, Chairman of the D.C. Statehood Party and member of the elected District of Columbia Board of Education. I have with me Mr. Larry Williams, 1st Vice Chairman of the party and Mr. Edward Drinkard, Treasurer of the party. Ms. Margo Weaver, our 2nd Vice Chairman, is a mother, working on a degree program at the Washington Technical Institute in the evenings and a full-time Social Service representative at the Area C Mental Health Center during the day, and therefore cannot be here on this occasion.

I was born, raised and have lived all of my life in Washington, D.C., except for those periods spent in the service and in college. And since I reached maturity I have been testifying before various public bodies on everything from un-

warranted freeways to the shameful colonial status of this city, the Nation's Capitol. My colleague, Mr. Williams, is a former student of mine, a former law student and now holds a responsible position in the educational life of this city. My other colleague, Mr. Drinkard is currently a student pursuing a degree in journalism and holds a responsible position at the YMCA. Each of our officers is active in this community on a day to day basis struggling against the consequences of this unrepresentative government.

Now of all the issues on which we have addressed public officials the question of local disenfranchisement is the most aggravating. For it is the root of all other evils visited upon this beleaguered community. It is all the more frustrating because we never appear before officials who have been elected by us and who have authority to respond to our demands. It is probably safe to say that none of you have ever been in that position . . . with the exception of your one colleague from Washington, D.C. who, because of *his* status as a colonial subject, cannot vote with you on the floor of the House of Representatives.

I am sure that you can understand, therefore, that we do not come to you with thanks for the opportunity, once more, to make verbal expressions with no more influence than that of good will and the force of logical argument.

We come to place the issue in perspective and to demand that you cease and desist from this charade of debating demeaning and deceptive half measures that purport to respect the basic rights of American citizens and the principle of no taxation without representation.

None of the proposals for limited or partial self government are worthy nor are they acceptable to the citizens of Washington, D.C. Each of them is sadly reminiscent of the intense resistance to self government offered by colonial and despotic governments down through history. And there are sufficient examples in recent world history to indicate that such continued resistance certainly does not lead to stability of government.

There is only one known form of valid and acceptable self government in the United States . . . and that is the subdivision into political entities with full powers of representation. From the smallest to the largest of such subdivisions we have villages, towns, cities, counties and finally the states. Nowhere in this nation are taxpaying citizens excluded from such representative units but in Washington, D.C.

This country began with 13 states and expanded to 48 within the continental USA. Now what was the rationale for each territory's desire to free itself from colonial status and join in the Union of States? Was it not that citizens having common interests and problems within established boundaries recognized that authority to deal with their needs must rest in their own hands? And did they not realize that they could never receive equitable benefits from their taxes without equitable representation in the U.S. Congress? And were they not also demanding equity for the sake of equity and for the sake of fidelity to the nation's proclaimed principle of full and equitable representation for all citizens? And has not the purpose of non-voting delegate service been to prepare each territory for acceptance into the Union of States? Our answer to each of these questions is a resounding yes!

Then do these questions not apply with equal validity to the last colony here in Washington, D.C.? Of course they do.

Then why are you not concentrating, as was done with the two most recently admitted states, Hawaii and Alaska, on means of converting D.C. to a state?

To be sure, there are the nay sayers who would assign unique and inferior status to D.C. citizens and insist that we are simply not ready or that our resources are inadequate for full citizenship. They would also demand that those of us in servitude prove that it is feasible for us to not be in servitude as a condition for the elimination of servitude in the nation's capital. Which is like demanding of a slave who has been denied access to the rights, privileges and opportunities of freedom the design of an irrefutable program for his economic prosperity as a condition for removing the chains that have bound him physically, emotionally and sometimes mentally all his life.

No, Gentlemen, that is hardly a worthy approach and it certainly is not the "American Way." If you recall this nation has traditionally determined whether a goal is worthy, desired, productive, fair, reasonable. On occasion we have even been known to give serious consideration to a goal based on its moral merits.

Therefore, in the same way that this nation set a goal some two hundred years ago to be free from England, with all the difficulties and hardships that entailed,

including war; in the same way that only ten years ago we determined to reach that strange, distant, mysterious planet called the moon, we should now set about designing a process for bringing D.C.'s colonial subjects into full citizenship through the only means ever tried in this country . . . statehood.

The process is eminently simpler than that of freeing the nation from colonialism. No war will be needed. Only appropriate legislation.

The process is substantially easier than getting to the moon. No scientific research, glamorous hardware or specially trained supermen are needed. There are no mysteries involved in statehood. It's been accomplished successfully fifty times. The pattern and process is before us.

I dare say that if the opponents of statehood could receive a typical consultancy to develop a process for moving toward statehood for Washington, D.C., you'd have a very persuasive program in a very short time. I seriously recommend that to you.

I must remind you that none of the various special, hybrid, partial, deceptive proposals for half rule would ever be accepted by *your* constituents in *your* home *districts*. We in Washington, D.C. are no different than they.

May I conclude by saying that this is not an entreaty. This is a clear statement of your responsibility, and a proclamation that there are no acceptable alternatives to honest, equitable and traditional political representation for Washingtonians.

Mr. ADAMS. The next witness before the committee is Mr. Charles Cassell, who is the chairman of the Statehood Party.

Mr. Cassell, do you want to introduce for the record and for the committee those who have joined you at the table?

**STATEMENT OF CHARLES CASSELL, D.C. STATEHOOD PARTY,
ACCOMPANIED BY LARRY WILLIAMS, WALTER MYLECRANE,
AND EDWARD DRINKARD**

Mr. CASSELL. Yes. Before I do that I would simply like to say that I think you can understand Mr. Hobson, the first chairman and the inspirational force behind the District of Columbia statehood movement—you can understand his frustration and his disgust at the idea of having to appear before you each year and make a defensive argument in behalf of the only kind of self-government that we know in this country.

My name is Charles Cassell. I'm Chairman of the District of Columbia Statehood Party and a member of the elected Board of Education in Washington, D.C. I have with me on my left Mr. Larry Williams, who is the first vice chairman of the District of Columbia Statehood Party. On my right is Mr. Edward Drinkard, who is the treasurer of the party. Ms. Margo Weaver, our second vice chairman, is a mother working on a degree program at Washington Technical Institute in the evenings; and she is a full-time social service representative in the Area C Mental Health Center during the day. Therefore, she cannot be here on this occasion.

I would like to say that I was born and raised in Washington, D.C., and I've lived here all my life, except for those periods spent in the service and in college. And since I reached maturity, I have been testifying before all of these various committees on everything from unwarranted freeways to the shameful colonial status of the city which is the Nation's Capital.

My colleague, Mr. Williams, to my left is a former student of mine, a former law student, and now holds a responsible position in the educational life of the city. My other colleague, Mr. Drinkard, is currently

a student pursuing a degree in journalism and holds a responsible position with the YMCA.

Each of our officers is active in this community on a day-to-day basis, struggling against the consequences of this unrepresentative government. And these people know at firsthand the feelings and the attitudes of the people in this city regarding the various hybrid proposals that are before you.

Now, of all the issues that I have testified on through the years, the question of local disenfranchisement is the most aggravating. And it is that because we never appear before officials who have been elected by us and who have an obligation to respond to our demands.

It is probably safe to say that none of you have ever been in that position, with the exception of your one colleague from Washington, D.C., who, because of his status as a colonial subject, cannot vote with you on the floor of the House of Representatives. And I felt rather badly when you had your quorum call just now, and he remained in office sitting in the chair there because of that status.

And I'm sure that you can understand that we do not come to you with thanks for the opportunity once more to make verbal expressions with no more influence than that of the good will and the force of logical argument. We have done that many times before.

We come to place the issue in perspective and to demand that you cease and desist from this charade of debating, demeaning, and deceptive half measures that purport to respect the basic rights of American citizens and the principle of no taxation without full representation.

None of the proposals for limited or partial self-government were nor are they acceptable to the citizens of Washington, D.C. We know that.

Each of them is sadly reminiscent of the intense resistance to self-government offered by colonial and despotic governments down through history; and there are sufficient examples of recent world history to indicate that such continued resistance certainly does not lead to stable governments.

There is only one known form of valid and acceptable self-government in the United States, and that is the subdivision into political entities with full powers of representation. Each of you certainly knows that, because you come from such jurisdictions, and you sit there as a result of respect for that process.

From the smallest to the largest subdivisions—we have villages, we have towns, cities, counties, and finally, the States. Nowhere in this Nation are taxpaying citizens excluded from such full representation except in Washington, D.C.

This country began with 13 States and expanded to 48 within the continental United States. Now, what was the rationale for each territory's desire to free itself from colonial status and join in the Union of States?

And I might point out here that historically, the purpose of non-voting Delegates in the United States was to prepare the territory for eventual inception into the Union of States. No nonvoting Delegate has sat in the Congress and accepted that status or designed a method

to perpetuate anything less than full statehood. We feel that is the role that our Delegate should be playing now.

Now, was it not that citizens having common interests and problems within established boundaries recognized that authority to deal with their needs must rest in their own hands? We are talking about the reasons that any territory wanted to be a State.

And did they not realize that they could never receive equitable benefits from their taxes without equitable representation in the U.S. Congress? And were they not also demanding equity for the sake of equity, and for the sake of fidelity to the Nation's proclaimed principle of full and equitable representation for all citizens?

And has not the purpose of nonvoting Delegates' service been, as I said before, to prepare each territory for acceptance into the Union of States?

Our answer to each of these questions is a resounding yes. We have never had any argument to that. In fact, we can't get people to even deal with that question.

Then do these questions not apply with equal validity to the last colony here in Washington, D.C.? Of course they do. Then why are you not concentrating, as was done with the two most recently admitted States, Hawaii and Alaska, on means for converting the District of Columbia into a State?

To be sure, there are the nay-sayers who would assign unique and nefarious status to District of Columbia citizens and insist that we are simply not ready, or that our resources are inadequate for full citizenship. They would also demand that those of us in servitude prove that it is feasible for us not to be in servitude as a condition for the elimination of servitude in the Nation's Capital which is like demanding of a slave who has been denied access to the rights, privileges, and opportunities of freedom, the design of an irrefutable program for his economic prosperity as a condition for removing the chains that have bound him physically, emotionally, and sometimes mentally all his life. This is a ridiculous proposal, gentlemen, it is hardly a worthy approach, and is certainly not, to quote, "the American way."

You recall this Nation has traditionally determined whether a goal is worthy, desired, productive, fair and reasonable. On occasion we have even been known to give serious consideration to a goal based on its moral merits.

Therefore, in the same way that this Nation had set a goal some 200 years ago to be free from England, with all the difficulties and hardships that that entails, including war; in the same way that only 10 years ago we determined to reach that strange distant, mysterious planet called the Moon, we should now set about designing a process for bringing the District of Columbia's colonial subjects into full citizenship through the only means ever tried in this country—statehood.

The process is eminently simpler than that of freeing the Nation from colonialism. No war will be needed, only appropriate legislation, and that legislation is before you now in the form of Congressman Dellum's bill for statehood.

The process is substantially easier than getting to the Moon. No scientific research, glamorous hardware, or specially trained supermen are needed. There are no mysteries involved in statehood. It has been accomplished successfully 50 times. The pattern and process is before us.

I dare say that if the opponents of statehood could receive a typical consultancy to develop a process for moving toward statehood for Washington, D.C., you would have a very persuasive program before you in a very short time.

I seriously recommend that to you. I must remind you that none of the very special, hybrid, partial, deceptive proposals for half rule would ever be accepted by your constituents in your home districts. We in Washington, D.C., are no different than they.

May I conclude by saying that this is not an entreaty. This is a clear statement of your responsibility, and a proclamation that there are no acceptable alternatives to honest, equitable, and traditional political representation for Washingtonians.

I listened to Mr. Hechinger attempting to respond to a variety of questions to you regarding the charter, regarding the protection of the Federal interest; and the reason that Mr. Hechinger and anybody else has difficulty responding to that is because of the fact that they are proposing to you something very unique, something very special.

Who knows what home rule is? Where do you find the pattern for that?

What you are trying to do is to design something which purports to give partial representation to citizens, but denying them the ultimate control over their government. The fraudulent nature of home rule as a prospect is simply that it allows citizens to do no more than go through the exercise of electing a Mayor and a City Council.

Recognizing the sharp divergence between home rule and statehood, there is now an additional proposal, and that proposal purports to give us congressional representation. But that in itself, we all admit, would take years. It would take a two-thirds vote as a constitutional amendment in both Houses and three-quarters of the States.

But suppose that were successful, and the President signed such a bill. Suppose that we had home rule. Suppose that we had congressional representation. What would you really have?

We would have two Senators; you would have two Representatives; and whom do they represent? They would not represent a State with the power of a Governor and a State legislature, as all of the other States. They would be representing unrepresented people, and there would be no vehicle, there would be no local government with power that responds to the people for those two Representatives and two Senators to represent.

It is clearly a hybrid. It is clearly an excuse to deny to this city the kind of self-government that is needed. And I say to you that it is impossible for this Congress to devise any measure that will be satisfying to the citizens of Washington, D.C., which denies them the same influence in the Congress and within their jurisdiction that the other States do.

Now, one of the advantages of the statehood bill is that it eliminates all of the arguments that I have been hearing about the Federal interest. It eliminates it by design. It does, indeed, separate out the Federal enclave where the majority of Federal activities go on and where the majority of the federally owned property is, so that that becomes the District of Columbia; and there is no conflict there with the U.S. Constitution which simply says that there shall be a Federal district.

It does not indicate how large or how small it should be. It does indicate that it should be no more than 100 square miles. All right.

The Federal Government then would have complete jurisdiction over that. But one of the things that would make the State perhaps economically feasible is the Government would then have to pay for the services that it cannot provide for itself—for sewer service, for water service—and that is substantial—for fire service, indeed for the Metropolitan Police, whose services they use extensively now and do not pay for.

But then you would have the question, as the gentleman here raised, about the rest of the Federal property. We've got the parks, which are under the Interior Department, and we have other federally owned properties within the new State of Columbia, or the new State of Frederick Douglas or Martin Luther King, whatever the name will be. Thereby would be the rationale for the continuation of a Federal payment, and the purpose of a Federal payment is to compensate for the inability of this city as a new State to tax its land.

And in the United States it seems to be a philosophy that substantial taxes come from the ability of the group to levy taxes for its own support on property. If that property is not owned by the people, then the Federal Government, of course, has an obligation to provide some kind of compensation.

But as a State with two Senators and two Representatives now, rather than sitting before you and begging, we would be able then to prevail in the U.S. Congress for a reasonable Federal payment, hopefully to be reduced throughout the years as the State became more and more economically feasible. And the reason it would become economically feasible is because now, under home rule and under Mr. Kennedy's bill you'd probably still have 7th Street, 14th Street, and H Street underdeveloped.

It has been that way now for 4 years with a strong, clear commitment from the President of the United States. They allowed the people to do the planning, but the money was not forthcoming; and of course, there was no way to wrest that from them, as a State would from our own taxes, and also from the Federal Government.

There are various programs which are always defaulted on, because we would have two voting Senators and two Representatives who would have an opportunity to do what you do all the time, and that is to negotiate with others of your colleagues who have bills of importance to them.

Mr. ADAMS. Mr. Cassell, I'm sorry to interrupt you. We have a vote now; and this is one of the problems that we face.

And I would like to discuss with you the alternative of whether you would like to return tomorrow morning at 10 where we can continue

with your statement and your questions, because we will have more members here. We're having the problem that they are voting.

Can you do that? If you can, I would like to continue this over so that the members can vote, but that your statement would be completed then.

Mr. CASSELL. Yes. I think we can all return tomorrow at 10.

Mr. ADAMS. Then with that we will recess until 10 tomorrow morning, and it will be in room 1302 tomorrow; and we will start with you, Mr. Cassell, and those who wish to join you. And then we will move to the other witnesses, and I'm sorry that the floor schedule—I wanted to just continue through this, but I can't control that.

Thank you. We'll see you tomorrow morning.

[Whereupon, the hearing in the above-entitled matter was recessed at 12:45 p.m., to be reconvened the following day at 10 a.m.]

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA, AND REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

THURSDAY, APRIL 5, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 1302 Longworth House Office Building, Hon. Brook Adams presiding.

Present: Representatives Adams [presiding], Fauntroy, Landgrebe. Also present: Robert Washington, chief counsel; Jacques DePuy, counsel to the subcommittee; John Hogan, minority counsel to full committee; and Anne Darneille, subcommittee staff.

Mr. ADAMS. The subcommittee will come to order. This is a continuation of the hearings on the reorganization of the government of the District of Columbia and we were finishing yesterday with the testimony of Mr. Charles Cassell of the D.C. Statehood Party and then we will move to the witnesses from the District of Columbia City Council.

Is Mr. Cassell here?

Mr. CASSELL. Yes.

Mr. ADAMS. Do you want to come forward, please, and you indicated you wanted to be accompanied by Larry Williams and Edward Drinkard.

Do you have any further statement you want to make here this morning, Mr. Cassell? We heard your opening remarks yesterday and I did not inquire of you at that time whether you had completed your remarks.

STATEMENT OF CHARLES CASSELL, ACCOMPANIED BY EDWARD DRINKARD—Resumed

Mr. CASSELL. Yes, we have a few other things we would like to say now, Mr. Chairman.

Good morning. I would like to introduce again the people here. Mr. Larry Williams should be here very shortly.

One of the distinctive things about the Statehood Party is that our members have a credibility and credentials that we don't believe that the other people who have testified before you have. You have had distinguished people here who are members of the Coalition for Self Determination and the former chairman of the City Council and others. Each of these persons has his own highly esteemed credentials in this

field but the difference in the Statehood Party is that we live in the city, work in the city and our jobs keep us in daily contact with the people in the various organizations in the communities day by day.

When people who hold political positions, people who must respond to business interests and other economic entities and so forth testify before you, it is necessary for them, I think, to balance their views considering all of those various interests. None of us holds public office. We are not politicians. None of us has important responsibilities in business interests.

We have no bankers. We have no merchants. We have none of those interests. Dr. Drinkard, as I mentioned here before, who is our treasurer, is a student of journalism at Federal City College. He holds an important position with the YMCA where he does writing for them, where he does organizing; where he does public relations work and he is constantly in touch with the people in this city and their problems, day by day. That is his total experience. And, of course, he is receiving enlightenment every day as he moves toward the field of journalism.

You heard Mr. Hobson yesterday and I would simply like to say that we all know that Mr. Hobson is an angry man and I think you understand why. Mr. Hobson perhaps is one of the most brilliant men in the city. If, indeed, Mr. Hobson, were to apply his talents toward his own affluence, he would be a very wealthy man. He is probably one of the best statisticians that this city has known and this is the reason that he always prevails when he goes before the courts.

He has provided for this city not only some direction and some inspiration, but he has shown us how to amass facts and to place those facts into relevant perspective so as to make them more successful. And when Mr. Hobson speaks to you, I think we must recognize that if anybody in this city knows and understands the economics as well as the desires of the people, that he does. And that is the reason for his impatience with this process that we go through once a year in which we are making appeals to people over whom we have no control whatsoever.

I am an architect and I have practiced in the city all my life. I was born and raised here and I've only been away for the times I was in the service and in college. I am a professor at Federal City College now and I deal with scores of students every day. Those students are Federal employees. They have views and attitudes and problems. I know those.

Mr. Larry Williams is a coordinator between the Adams Community School and the District of Columbia Board of Education and there he is dealing with the problems of education every day in that community and others. He has a relationship between that school and all the other schools with similar problems.

So that the officers of the Statehood Party are people who are not only relevant but well-informed and they are free from some of the other pressures that people holding political office are faced with daily.

But we say to you that in the city of Washington, D.C., of course, is disenchantment over the fact that we are disenfranchised. In addition to that, the majority of people in the city have serious problems

with all of the proposals for self-determination other than statehood. The reason for that is that each one of those provides for something less than what the other States have and we believe that this city, which should become a State, can never vie for the Federal funds, vie for the equitable treatment until such time as we have not two Senators and two Representatives, as Senator Kennedy's bill would provide, who respond to what? They respond to a city which is unrepresented. There is not that by-play. A State has a Governor and a State legislature who are responsible to those people; that gives them some kind of stability and some kind of pressure possibility. There's a relationship between them and the representatives.

Senator Kennedy's bill is simply not satisfactory because we have a very strange animal: Congressional representation for people who themselves have no representation. I am very much concerned about the home rule bill and I hate to review these things, but I think we do have to get these things on the record for purposes of perspective. The home rule bill is recognized by everybody as entirely inadequate simply because the Congress has a veto. We think we can put argument before the Congress of not having to have that veto and to compensate for that, there has been an additional measure. The delegate from Washington, D.C., supports Mr. Kennedy's bill which gives us congressional representation.

We know that that bill is practically impossible. It means a two-thirds vote in both Houses, the President's signature, and then the long tortuous route of getting the approval of three-quarters of the States. Even if that were to come to fruition in 5 or 6 years, how long would the citizens of Washington have to endure the corridor, 7th Street, 14th Street, and H Street undeveloped simply because the people here cannot mandate it.

So none of these bills are really successful. Now, we are getting a little exhausted from having to prove that statehood would be practical and feasible for Washington, D.C. We just think that the citizens here have the same views, attitudes, philosophies, and certainly the same spending habits that cities do anywhere.

Many people in Washington, D.C., don't live here or have not lived here all their lives and they know the values. They know the experience of statehood and it is rather difficult to explain to those people the minute they step across the border, that they have a new status.

We are saying to those people who keep saying how are you going to finance a state that we are a country of doers. If there is anything we know how to do and have done in the United States is to solve the problems of the mechanics of doing something that we determined to do.

I said yesterday that we had no serious problem in getting to the Moon. Well, we've heard that before but let's just look at that now. At some point, with all of the difficulties that that strange mysterious event provided, it was decided anyway that we would. The problem of moving an earthbeing from the surface of this massive planet which we are familiar with, some 25,000 miles in circumference through the atmosphere, the stratosphere, the ionosphere, through space to another planet and then to place an earthbeing, who can survive on that other planet, that required scientific development, it required develop-

ment of hardware, it required tremendous amounts of money, development of people who were capable of doing that. But we set our minds to it and then we developed the strategy and we developed the mechanics.

Now, there is no mystery about statehood. As I said yesterday, that we have already got 50 of them. All we need to do is to decide that that kind of political equity should reside here in Washington, D.C., and then we assign the responsibility to someone to design the mechanics for doing that.

Where we run into a problem of the Federal Government occupying substantial amounts of our land, we don't throw up our hands and assume that just because we have statehood, that the Congress will be punitive and deny us the kind of support that they give us now to compensate for their existence here. As a matter of fact, as a State with two Representatives, and two Senators, we would be in a much better position to negotiate for an equitable Federal payment, based on the fact that we cannot do what every other citizen in every other State does and that is to derive funds from taxes on its land.

Therefore, that's not a problem. And as I said yesterday, also, it seems to me rather ridiculous that we ask people who now exist in a form of slavery, a form of servitude, to design the process for themselves which will prove that they can be economically successful once they are no longer in a condition of servitude. It is ridiculous to ask a slave or anybody in servitude without the opportunities and the privileges to plan to explore, to be creative, to develop resources that he may not even know of as a person in servitude, this simply doesn't make sense.

I said yesterday also that there is another thing that we know how to do very well in this country and that is to write proposals. I maintain that the most rapid opposition to self-determination through statehood for Washington, D.C., could be overcome if you gave those very opponents a lucrative contract to design a process for bringing Washington, D.C., into statehood.

Then we would find out how easy it is for them to solve that problem as we solved all other problems for which there is a fee and for which there is perhaps some status for having accomplished a different process.

Therefore, our suggestion is that we stop dealing with these half-measures, that we stop being nay-sayers, that we stop pretending that there is something inferior about the people in the District of Columbia and that we stop assuming that the Congress is so very racist, so very punitive, so very hateful, that just a few years after having brought distant lands like Hawaii and Alaska into statehood, that that very Congress which provided millions of dollars, which provided millions of acres, which provided all sorts of resources and assistance to all of the States as they came into being, that that Congress would then be punitive of Washington, D.C.

I recognize that Washington, D.C., is 75 to 80 percent black. It is true. I recognize as the Kerner Commission says, we live in a country which is essentially racist. But I think I heard Senator Kennedy say that he thinks that there is a movement away from that. It is our job to accelerate it.

Now, I think that there is enough demonstration that black people, once they have authority and opportunities do not act perhaps as punitively as white people have in the past, having suffered the disadvantages of prejudice and hate and discrimination, we recognize the fruitlessness of that. We are human beings and we can hate also but I think we are looking perhaps down the road. If people in Washington, D.C., had the authority to be a State, I think we would treasure the fact that we are here in the Nation's Capital where we have a tremendous amount of revenue from the Federal Government that we would want to run that government just as efficiently.

I point out to you, where blacks have had an opportunity to participate, even though they have difficulties with the overall philosophy of the Nation, that they have used that rather wisely. We see that—our first opportunities were in sports and music and entertainment. Now, we can say that we have people in the professions.

Of all the architects that I know, the best architecture that has been provided for Washington, D.C., schools has come from those black architects who now have an opportunity to design new schools.

One of my projects as a member of the Board of Education was to stop the process of denying contracts for new designs of schools to black architects and one of the most excellent designs for here in Washington, D.C., is the Dunbar High School which is done by Charlie Bryant, a former colleague of mine. This school is going to receive national awards and it is because of the fact that Mr. Bryant has the native talent. He has had the opportunity and he has definitely determined to make a name for himself.

So I don't think that the argument that we have a racist Congress is simply not going to respond to that. I think also one of the difficulties with home rule has been that it is something that you can't define, that there is no pattern for it. There is no justification for it and those people who push that are constantly responding, as I heard people do yesterday, to the logical questions about how this unique form of government will fit in to the activities of the Federal Government as well as the rest of the country. With statehood, there are no mysteries.

Finally, I would simply like to say that we heard much discussion yesterday about a charter commission. As Mr. Hobson said, "I think this is very inadvisable." What is the purpose of a charter commission? To write some kind of program for giving the franchise to people.

You already have that. You have it in Congressman Dellum's bill. That is the most logical bill that has come before the Congress. It simply says that first, you have a referendum to determine whether the people in Washington, D.C., indeed want to be like all other citizens, to be in a State.

That's the point to start with, not with a hybrid, not with some half measure, to start with what we expect—a self-government in the United States. If that referendum indicates that the majority of the people want statehood, then the next part of that bill is a constitutional convention. That's the American way. That's the way most of the States came into being.

There you have your charter commission but that charter commission is not free to decide for itself what is best for Washington, D.C., or what kind of government. It has its mandate already to bring this

group into the Union of States. And it is democratically elected, it comes from the people themselves with representatives from the City Council and the Mayor and the President's Office, and so forth, but there are people who are affected on it and they will write a constitution.

That's been done at least 50 times. We know of that so there are no mysteries. There's nothing to argue about that. That constitutional recommendation comes back to the people for another referendum where it is either accepted or modified. And then it goes back to the Congress again for it to apply its wisdom to.

When that is accepted, the President signs it. You've got automatically statehood. Now, that's just as simple and logical. There is nothing negative about what I said. Nor are we assuming that you are going to put roadblocks.

If this committee and other committees of the U.S. Congress would see this in the light of equity, and perhaps listen to not pleas and entreaties, but at this point demands for some kind of respect at last for the citizens of this city, who have not created any problems for the Federal Government with whom we are in such close contact, if they would have respect for the fact that if you can write a charter by people who are appointed, then a charter can be written in the conventional way of a constitutional convention.

So our position is, that you have no choice but now to examine and to provide for this city what has worked in the rest of the country, especially in light of the fact that nothing else has even been tried, which has been successful.

I would like Mr. Ed Drinkard, who is our treasurer, to make whatever remarks that he would like to make, if you are ready to hear him.

Mr. ADAMS. Go ahead, Mr. Drinkard.

Mr. DRINKARD. Mr. Adams, members of the committee, as Mr. Cassell has so avidly stated, with my job I come in contact with a variety of people in the District and the statement I would like to make now is strictly for the record and I think this reflects the feeling that people now have in the District of Columbia about the lack of any type of self-government and self-determination.

Gentlemen, as Mr. Hobson very bluntly stated at the hearings here yesterday, for another consecutive year we meet to discuss statehood versus home rule versus colonialism. The same contingents are made each year and now as in past forums, the same contingents are being argued to the point of impasse.

Gentlemen, this needless rate must stop. Eight hundred thousand District residents are fed up with the arbitrary decisionmaking on the part of Federal bureaucrats of policies concerning the affairs in the District. These are policies which affect the lives, homes, and income of District residents.

However, District residents have no control over the decisions which are made here. It is my personal contention that our Federal magistrates are reluctant to see a predominantly black populace acquire self-government and self-determination. It has been the expressed desire of our present administration to see the city of Washington become the model city for the entire Nation. This endeavor has been quite successful.

We are the model for no-knock entry into private homes of citizens. We are the model for preventive detention of suspected felony citizens. We have a model of unconstitutional search and seizure practice by local law enforcement personnel. We are the model for unwarranted social service budget cuts. We are the model for inactivity in completion of previously planned public housing. We are the model for high retail food prices.

If I may be allowed to digress for a moment on a subject of major personal importance and concern, I must state that we are the model for apathy toward the Vietnam veterans. Out of 49 benefits which are available to veterans throughout the United States, the District of Columbia extends only six of these benefits to its 37,000 Vietnam veterans. According to the President, the District of Columbia is to be the model of the 1976 Bicentennial, yet we are still the model for unrepresentative government.

In short, the District of Columbia has become the model for our present administration's lack of interest and concern for the problems, the needs and achievements of black Americans, Spanish-speaking Americans and other oppressed minorities. In a land founded upon the principle and process of democracy, the District of Columbia is the model of facism at its most advanced level.

We, the citizens of the District of Columbia, cannot and will not tolerate this blatant indifference toward us. We are all equal citizens of these United States and we intend to be treated as such.

Let us make the District of Columbia a real model for the entire country by extending to its citizens the opportunity for real self-government. That self-government can only be achieved through statehood for the District of Columbia.

Thank you, gentlemen.

Mr. CASSELL. Sir, I would like to make one remark about the Nelsen Commission. I have heard that mentioned several times.

May I?

Mr. ADAMS. Yes, if you want to make a comment on it.

Mr. CASSELL. Thank you. I will be very brief.

Our concern with the Nelsen Commission is that as we see it, although it talks about respect for self-government, it is essentially a design to make this system efficient as it is. It respects the position of the Mayor that we have now. It tries to consolidate some of his authority. It takes much too much of the authority away from the elected Board of Education which now can only make policy but it can't implement it because the Mayor controls the budget which is sent to the Congress. We feel that the Nelsen Commission report is inadequate in that it does not address the problems of changing the form of government and it is that very form, as Mr. Drinkard has been saying, which is responsible for many of our problems. It accepts the status quo and tries to make it efficient as it is and for that reason we don't think that it addresses itself to our own problems.

And our plea to you, though I said we weren't going to make entreaties. I sense that we're getting some response and we are being heard. Our plea to you now is to ignore those people among you who will say how you are going to do it, decide that you are going to make a State out of Washington, D.C., and then using all of the expertise

and all of the experience, assign the responsibility to develop a State for Washington, D.C. Let us not waste any more time listening to those who say we can't, that you don't have the resources. The resources that we don't have are available in the Federal Government.

We believe in a union of States. That is the philosophy of the United States. If you believe in that, then it has to be provided for these people in the continental United States halfway between the northern and southern border and the expertise does exist. Assign the responsibility to eliminate the problems using the same Federal assistance and positive approach and that has to start with the committee and other committees of the House District Committee.

Make that the objective and then you will find that the mechanics are relatively simple. No more nay-saying, please.

Mr. ADAMS. Thank you, Mr. Cassell.

I have no questions. Do other members of the committee have a question of Mr. Cassell?

Mr. LANDGREBE. I don't believe so, Mr. Chairman. I made notes of some of his phrases and words and I will yield back my time.

Mr. FAUNTROY. I yield my time, Mr. Chairman.

Mr. ADAMS. Thank you, Mr. Cassell. Thank you, Mr. Drinkard. We appreciate your presentation. It was very eloquent.

Mr. CASSELL. Thank you.

Mr. ADAMS. The next witnesses before us are the representatives of the District of Columbia City Council with John Nevius as chairman. We understand that you are accompanied by Councilman Henry Robinson, Jr., Tedson Myers, Jerry A. Moore, Jr., and Rockwood Foster.

Is that correct or is there a correction for the record that you would like to make, Mr. Nevius, as to the members of your panel?

Mr. NEVIUS. That is correct, Mr. Chairman.

Mr. ADAMS. Mr. Nevius, I assume that as chairman you will make the original presentation and if you want to proceed, the committee is ready to hear your testimony.

STATEMENT OF HON. JOHN NEVIUS, CHAIRMAN, DISTRICT OF COLUMBIA CITY COUNCIL, ACCOMPAINED BY DR. HENRY ROBINSON, JR., MEMBER; TEDSON MYERS, MEMBER; REV. JERRY A. MOORE, JR., MEMBER; AND ROCKWOOD FOSTER, MEMBER

Mr. NEVIUS. Thank you very much, Mr. Chairman. Parenthetically, before I make my very brief opening statement, I can't resist the temptation in response to the previous witnesses' observations about a majority of the residents of the District of Columbia favoring statehood, to say that I am not sure that is the case. I certainly have no objection to the statehood concept and if that is the approach that the Congress chooses, I would be indeed happy with it. But I can't resist the opportunity to point that on the basis of a popular vote, I got four times the number of votes that the statehood candidates did the time I ran against Delegate Fauntroy. Congressman Fauntroy and I did not oppose statehood. I was just speaking in terms of home rule in the abstract.

Mr. Chairman, as a more than 20-year veteran of the struggle for District of Columbia local suffrage, I appreciate the opportunity to state briefly my views to this committee and I thank you for once again undertaking this important effort on behalf of my fellow citizens.

My preference has always been for the maximum delegation of authority to the District of Columbia government, including revenue authority which is possible, consistent with full protection of the Federal interest in this city with which Congress is charged both in law and in fact. Recent House and Senate proposals have been designed to meet those purposes by means of a congressional veto arrangement. I supported those proposals, because to separate the Federal from the local in advance is difficult, indeed. To my mind, however, the pure Mayor-City Council format is not the only formula, and something different might even be better. I might point out, I am not trying to rule out Congressman Fauntroy's formula, and I support it. Nor am I saying that it is necessarily the best formula. For example, it might be desirable to combine it with an office of an elected comptroller. There are a lot of other things that could be done, or a completely different approach.

In any event, if the House is not prepared in this Congress to delegate full authority over local matters, I, for one, say let's get as much as we possibly can and not hold out for all or nothing. Now, this is a controversial issue. It has been for years. But in my personal opinion, if we had followed that course in 1965, and I so counseled as legislative chairman of the District of Columbia Home Rule Committee at that time—if we had followed that course in 1965 after the Sisk bill passed the House, it is my personal opinion that we would have been much further along the road to local self-government than we are today.

Finally, Mr. Chairman, while I am no political scientist, I do have one suggestion for your consideration which derives from my own experience in government and in the struggle for suffrage here.

In large cities, the communication gap between the government and the citizen is very wide, breeding a lack of confidence on the part of the governed. Also, the administration of municipal services needs decentralization in any large city. For example, Mayor Lindsay recognized this principle in his efforts to revise the system in New York City. It hasn't succeeded but he has tried. I feel that somehow these two ideas of the communication gap between the governors and the governed and the decentralization of administrative functions—I feel that these two ideas could be wedded in a new system here that involved the election of minicity councils in each of our eight election wards and the establishment in each ward of a minicity hall to deliver certain municipal services at the neighborhood level, such as administering and supervising the cleaning of streets. This would improve the quality and the accessibility of some very difficult municipal services, while at the same time it would furnish a kind of "proving ground" for the seasoning of potential new political leadership to run for office in city hall and for our delegate to the Congress.

Well, that is my own personal or concrete suggestion, Mr. Chairman.

At this point, I would like to address very briefly the specific areas of concern which this subcommittee has highlighted as the purpose of these hearings. Let me add that most of these, in most of these cases, the views expressed represent a consensus of the Council, rather than any one specific view. I will run through them very quickly, and we will submit ourselves to questions from the members.

With respect to the legislative function, we feel that Congress should retain its legislative powers for the District of Columbia to the same extent that it does for other cities where Federal operations and functions are located only in lesser amounts. All other legislative powers, including appropriations, should be transferred or delegated to the local government. For the purposes of identifying these Federal functions, we are speaking basically of three things: First, the function regarding Federal buildings and properties; second, the conduct of Federal business—and there you get into the whole complicated matter of Federal functions versus local functions or Federal interests versus local interests, admittedly not easy to distinguish—and third, the function of international relations and matters concerning the diplomatic corps.

With respect to the executive function and the local government, we think that the chief executive and the Council members, if that is the formula, should be elected. The chief executive should have a combination of powers, which encompass normally those of a mayor, a city manager, a county executive, and a Governor. This combination of powers would point to a strong mayor in the day-to-day operations of the city and the Council exercising its powers through the legislative format, just as the Congress does at the Federal level, including budget review and confirming of mayoral cabinet appointments. By cabinet, I mean department head appointments in the District of Columbia government.

With respect to the judicial function, Mr. Chairman, we feel that the judges of the District of Columbia Superior Court and the District of Columbia Court of Appeals should be appointed by the Mayor, subject to confirmation by the Council.

With respect to fiscal affairs, all fiscal affairs should be transferred to the local government. The Federal payment of contribution, we suggest, would be established by a formula, subject to a 5-year review which would provide, in the first year, the current level of \$190 million, plus a fixed percentage of that particular year's revenues. And then, in the second year, it would be the same \$190 million, plus a fixed percentage of the second year's revenues, and so on, through a 5-year period. That would be the way that we would start this off.

As to the electoral function, in addition to the presently elected School Board, the Council and Mayor should be elected. Governmental form and organization and Federal interest, has been discussed briefly by me a moment ago, and we will be happy to elaborate on this complicated matter in detail as our testimony and the question-and-answer period continues.

Let me just say, Mr. Chairman, that we very much appreciate the opportunity to come today to express these ideas, particularly the one of my own that I mentioned, and we will be very happy to respond to questions which you may have.

Before I finish, however, I would like to mention that the City Council has published one report. It was published by us and prepared by our Special Commission on Urban Renewal. Now, while I don't agree with everything in that report, I consider it a very fine report, and it does contain three things that might be considered relevant to your purposes.

It contains a considerable discussion of that Commission's views on what the definition of the Federal interest might be. It also proposes a tripartite-type arbitration board to discuss this matter in the years to come, as the nature of the Federal interest and the local interest changes from time to time, which they must of course. A tripartite-type arbitration board, involving the Congress, the President, and the city government putting together members of it for resolutions of disputes on whether an interest is Federal or local. And, finally, it has some interesting suggestions about transfers of certain present Federal authorities within the city to the local city government, notably the planning function in the National Capital Planning Commission, and the function of urban renewal and housing through the two Federal agencies of Redevelopment Land Agency and National Capital Housing Authority.

We would be happy if the committee would approve to furnish later a copy of that Commission's report.

Mr. ADAMS. What is its length, Mr. Nevius, so the committee can make a judgment as to whether or not this should be included as part of the record or be placed in the committee files for use of the committee members.

Mr. NEVIUS. It is split between its own text and an annex, each of which is about 60 pages long. The text is about 60 pages, and the appendix or annex is about 60 pages long, so it's over 100 pages all told, Mr. Chairman.

We are not specifically asking that it be included in the record. If it can be made available to those who are studying the problem, it could be incorporated in the record by reference if that would be acceptable.

Mr. ADAMS. Mr. Nevius, without objection, this will be placed in the committee files, and we might ask that you supply to the members of the committee, if you have sufficient copies of this, copies of it so that each committee member will have their own copy, in addition to the official file copy.

Mr. NEVIUS. We'll be very happy to do that, Mr. Chairman.

Thank you.

Mr. ADAMS. All right. Without objection, we will follow that procedure.

[The document referred to can be found in the files of the subcommittee.]

Mr. ADAMS. Does any other member of the panel want to make a statement before I turn the matter over to the questioning of the committee?

Mr. NEVIUS. Councilman Meyers has one observation that has occurred to him since we got prepared.

Mr. MEYERS. If it is acceptable, Mr. Chairman, it is not a prepared statement in advance, but just some thought of what has already been testified to on behalf of the Council.

For myself, I must say that remarks of the previous witness in one respect, I think, bear a great deal of attention. I have to liken it a bit to what you do when you stand with a 12-gauge shotgun and try to shoot a moving skeet target. You have various choices. You can either decide to lift the gun, decide to look for the target, and decide to shoot it; or you can, in the very first instance, as an act of will, decide to hit the target the minute the thing comes up, and you pull the trigger.

You are in the same position now. If you are going to do something about self-determination here in the District, it is literally an act of will that you must decide to do from the beginning. The exploring, the hesitation, the appointing boards, the appointing research groups and panels, has all happened before. An act of will, an act of self-determination by the Congress is what is essential.

In that regard, I think that one of the biggest stumbling blocks has been a preoccupation with how the city will function, instead of what the Congress wishes to reserve to itself. And I really think that if you were to pin down, in advance, those areas, as the chairman has alluded to, those areas which you wish the Congress to have exclusive control over in the future, it becomes simpler to approach the problem of how the city will resolve all the other matters that would be left to it.

In that connection, I would like to say that I am not, myself, entirely in accord with the idea of minicouncils in ward areas, because I come from another part of the world where the wards became minicouncils all by themselves, without an enacted political structure; namely, the political infrastructure itself. That becomes a service area. Things get done because, in the process of having ward chairmen, political leadership, an infrastructure that is now only beginning to happen in the District—because all our energies at the moment usually are channeled to community groups rather than political groups.

As you begin to build that political infrastructure, believe me, there will be many city councils de facto. They don't need to be de jure.

And the other, final, point that I would offer is that, in the process of determining where the final choice will lie in a matter of dispute between the city and any other agency, as to where authority lies, you must not overlook the residual authority the court will probably exercise, willy-nilly, whether anyone plans in advance for it or not.

Mr. ADAMS. Thank you very much.

Mr. NEVUS. Needless to say, there isn't a unanimous agreement with Councilman Meyers' views as expressed, Mr. Chairman.

Mr. ADAMS. Well, the committee is well aware of the fact that there is no unanimity on this subject. Many people have referred to the fact that all of this has happened before. The chairman has had a little experience in this field, since about 1966, and I can say to you gentlemen that what is occurring has not happened before, because there is a very distinct possibility this year that this whole matter will go to the floor of the Congress. As you have heard members of this committee state to witnesses, as they have been before you, we are trying to analyze the very thing that Councilman Meyers just referred to, which is, what does the Congress consider their interests, the Federal interest, whatever you want to define in the constitutional requirement that the Federal Government exercise jurisdiction over this geographic area known as the District, whatever that is. At least this member considers this a difficult problem.

I might also state that, personally, the problem—I find retrocession and statehood meeting together in a perfect circle, which—in other words, the arguments that both make, which many feel come from opposite ends of the spectrum, arrive at the same point. And this may cause this member some theoretical difficulty, but does not become obscured, at least, in, I am sure, the minds of the members of the committee.

Doctor, did you indicate you wish to say something before we go to questioning?

Dr. ROBINSON. Yes, Chairman Adams, members of the committee.

I was born in Washington around the turn of the century. I would like to say something about the charter form of government.

When I finished the public school here, in my civics classes and elementary and the high schools, we were taught in the civic class about representation, taxation without representation is tyranny. And for 50 years we have talked about home rule, what we want here.

I see nothing that a charter commission can give us that hasn't been talked about for 50 years. And when we come down to it, we know the Congress, the House District Committee is the one that is going to pass any type of home rule bill here. So it seems to me that the Congress or the committee should tell us what type of home rule they are going to give us, then have a referendum or public hearing and let the citizens decide what type of government they want in relation to what the Federal interest is.

Now, I would also like to know, what do we mean by Federal interest. I would rather hear the word, Federal function. Does Federal interest mean the Federal buildings or the Federal real estate—what is it going to do? Is the Federal interest going to have their own fire department, their own health department, their own water supply for the Federal units, or will the District assign them?

So those are the things that I think should be addressed themselves today. We have got to be pragmatic. The city or the City Council, the Statehood Party, the Republican Party, and the District of Columbia Party are not going to write this bill. So I think that Congress should tell us what is in the bill, then have a hearing on it. Let's get the best in, get the worst out, then have a referendum and leave it to the citizens what type of government you want.

Thank you, sir.

Mr. ADAMS. Thank you very much.

Now, do the members of the—

Mr. NEVIUS. Mr. Chairman, may I inject once again?

Mr. ADAMS. Yes.

Mr. NEVIUS. Once again, Councilman Robinson's views don't necessarily reflect everyone's. And, indeed, at the appropriate point, if the chairman wishes, I would like to address myself to the charter issue that emerged yesterday. But I will await the pleasure of the committee on that.

Mr. ADAMS. All right.

Do the members of the committee wish to question at this time?

Mr. Landgrebe?

Mr. LANDGREBE. Well, we have had the pleasure, of course, of chatting with the members of the council on several occasions, and I hope that we will continue to have a lot of discussion.

I am going to ask what may sound like a frivolous question, but I am sincere. You gentlemen are all appointed members of the Council. My question really is in two parts. No. 1, is there anyone of the appointed group who feels that the situation as it stands now does have some merit, some things about it that are good for the community?

And, No. 2, what sort of dedication, greater dedication would you people put into your jobs if you were elected rather than, as you are at the present time, appointed by the President?

Mr. ADAMS. Who wishes to—

Mr. NEVIUS. I have two who would like to speak.

Mr. ADAMS. All right.

We'll start, Mr. Foster, with you, and then we will go to Mr. Meyers.

Mr. FOSTER. I think this is a very important and interesting question, Mr. Landgrebe, and particularly in this group, where you see three distinguished veterans of campaigns for election here. You have Mr. Nevius, Congressman Fauntroy, and the Reverend Moore. You also have three very battered—two battered campaign chairmen. I was Mr. Nevius' campaign chairman, and my colleague down there, Mr. Meyers, was a campaign chairman, so we believe in elections.

I think there is a very important reason for elections, as distinct from appointment, Mr. Landgrebe; and this is that the executive branch of this city, as it is in the Federal, is organized functionally. We've got a highway department, a health department, and so on. And like such departments, they tend to think about their own function, as distinct from the piece of geography in which this function is applied. You as Congressmen, and Senators as Senators, and aldermen in the wards, worry about the delivery of service in a particular piece of geography from which you are elected. This is so, in city terms, that the sewer department doesn't tear the road up one week, and you find the highway department coming down and tearing it up again the next week, because they are not coordinated.

Until someone is elected from a particular piece of geography, he, I don't think, can ever have the close personal interest in what happens in his district. Being appointed from a district is not the same. So that my basic answer to your question is, although there are advantages in having people appointed, this particular one, no appointed person can do properly.

Mr. ADAMS. You wanted to comment, Mr. Meyers?

Mr. MEYERS. The question, I recognize, was not frivolous, nor is, I hope, that part of my answer which might be recognized as that.

There is one value in what we have now. It has shown us how much we have to do, how far we have to go, and how little power we have to do the job that is asked of us. This, I believe, was touched upon when we last met. It is a schooling ground in frustration. But for those for whom frustration only draws you deeper into a commitment, it is probably a great training ground for enthusiasm for self-determination for the District.

Second, as to election, I can't imagine how we could care more deeply, whether we were elected or appointed. I must say that. If you appoint or elect people who are going to care about the job, the hours

they put in, the sacrifice they make in terms of their income, their homes, and their careers, they must be prepared to do that—ought to be the same.

Mr. LANDGREBE. May I ask one more question?

This is, perhaps, more touchy than the others.

Do you think that in political elections, would you gentlemen stand a good chance of being elected to the council, or would there be a much higher quality of people elected if we were going to have an election today or tomorrow?

[General laughter.]

Mr. ADAMS. Now, any of you who would want to plead privilege at this point, the Chair would recognize you for that purpose.

Who wishes to be first? And I will try to recognize you.

Reverend Moore, we will start with you, and I think, Dr. Robinson, you indicated that you had a statement.

Reverend Moore?

Reverend MOORE. Mr. Congressman, I think your question could be in reverse and could be asked in your own district.

As to the appropriate answer, as to the quality of the individuals who are elected to office under the electoral process. As you know, there are a combination of factors that enter into whether a person is elected to office or not elected to office. It goes to the very heart of the question, as to the rights of the people to determine who represents them in relation to their basic needs and quality of their life. People have to accept what they get once they have elected an individual.

Under the appointment process, as you probably well know, the appointment is in the discretionary power of the President of the United States with consent of the Senate. You might believe here that the discretionary authority of the President has been represented in the kinds of people who have been appointed to the City Council and to the mayorship of the city.

I would be of the belief that those of us who are striving to represent our people here in this city are giving a great deal of dedication to this particular assignment, far beyond what the legislation itself calls for, because we are supposed to be part-time people. Except that we had other sources of income to sustain ourselves, we never would be able to give the inordinate amount of time to the job and the kind of dedication to the job that we give.

So, in this sense, it tends to limit the kinds of people who can perform the job under the appointment system.

Mr. ADAMS. Dr. Robinson?

Mr. NEVIUS. May I inject just a word?

Having been a veteran of one of these contests, Congressman Landgrebe, I earnestly believe that the voters of the District of Columbia are just as reliable and just as sophisticated as voters anywhere else in the country. I think that if it weren't for the rather lopsided party registration in the District of Columbia, for example, I could have given Congressman Fauntroy one whale of a race. The registration against me was about 7 to 1, and the statistics, the voting, brought it down to just close to 2 to 1, as I recall. I feel that the voters of this city made a very careful, thoughtful choice, and, in all modesty, I think they had two good candidates to choose between, and I feel that

there are a number of other good people, many of whom have served on the Council and are serving on the Council today and holding other offices in the District.

I earnestly believe, to give a specific answer to your question, except for the party registration part of it, where it happens that two-thirds of the Council are now Republican, which is permitted under the law—except for that, I think you would find just about the same kind of a City Council that you have today, particularly if you follow the concept that I was suggesting of the minicity halls, where people have an opportunity to develop a political base of a partisan political—I shouldn't use the word partisan, I mean an elected political base, rather than operating as Councilman Meyers says, the way we do today, where there are a bunch of organizations.

If you have an elected political base created by my minicity hall system, individuals would become known to the voters. I am convinced that you would have, filtering up through that system, people of quality that you find in the present offices today, whether elective or appointive—or better.

Mr. FAUNTROY. Would the gentleman yield?

Mr. ADAMS. Dr. Robinson, did you have a comment you want to make? And then Representative Fauntroy wanted to have an opportunity to comment.

Dr. ROBINSON. Yes. In response to Representative Landgrebe's question, whether we think that an appointive council would give us a better quality of representative than an elected one. Now, I believe, sir, that if we get home rule here, there are many people who have not been on the City Council, who are not appointive, who well serve the city. I believe this because, if we have home rule here, then there will be a great interest here.

The people in the city of Washington are not dumb. They realize the difference between rhetoric and accomplishment. Suggestively, I would like to give an example. You see people when they get on the jury. I have seen some people who have no interest at all, but it seems once they get in that jury box they have haloes around their head, and they believe in the law, and they will do right.

So now I would like to take a chance and be taken out of my appointed job and—because at my age, I don't think I would run—but we have a fine quality of people on the Council now, and the citizens—they would have an advantage over somebody else running, because then the citizens of the District, they have had 3 or 4 years to see what these people can do. But I believe you would have just as good caliber of man in an elective job as you would on an appointive job.

Mr. ADAMS. Mr. Meyers, you want to comment, and then Mr. Fauntroy?

Mr. MEYERS. Mr. Adams, if I may, I think what I want to say probably means more to me than anything I have ever said with regard to this subject.

Mr. Landgrebe and members of the committee. I would like to get across something that has just been emerging in the consciousness of some of us. I believe that, even without a vote, this may be one of the healthiest bodies politic in the United States.

The reason is, deprived of the usual tools of politics, it has instead fallen back on the community organization, the church groups, the neighborhood groups, the labor groups, the civic groups. You walk out the door in my home in Adams Morgan and you count 40 within 6 blocks. This infrastructure has been, almost since de Tocqueville, almost right from the 1830's, the business of volunteering for public business has been the way the District has survived all this time. These people know each other, they care, they have become involved.

Now, very slowly and in very recent times, some of that energy is being transferred into a political process, but it has by no means really begun. When these people transfer those energies into the political process, two consequences, I think, will result, one bad, one good.

One is that there will be a weakening of those community organizations, because the young people may tend into the other system. But the second is a great strengthening of that system and the pouring of the same energies, the same wisdom, the same willingness, into the political process, as it has always poured into the community process. I think the strength is there, and I have complete conviction that it will work the same way.

Mr. ADAMS. Thank you, Mr. Meyers.

Mr. NEVIUS. It sounds to me as if Councilman Meyers is speaking in favor of my minicity halls.

Mr. ADAMS. Mr. Fauntroy?

Mr. FAUNTROY. I ask the gentleman to yield his time at this point.

Mr. LANDGREBE. As a matter of fact, I will yield back the rest of my time at this point.

Mr. ADAMS. Thank you Mr. Landgrebe. The Chair recognizes Mr. Fauntroy.

Mr. FAUNTROY. I want to continue just about on the last question because while it is not the kind of substantive question that I want to get into—and I will get into it—it does deal with a serious philosophical and, perhaps, an emotional question that must be answered in the minds of the men and women on the Hill who must vote on whatever we come up with.

I think that, perhaps, Dr. Robinson answered the question in the sense that I think it was intended to be asked; namely, not whether or not an elected council would produce people of superior quality to yourselves. But rather the question on the minds of many people, is whether or not an elected council would produce people of inferior caliber, and, therefore, perhaps the form we have now is better. I think you have answered that question beautifully in every particular.

I should just like to add one other dimension to it, and that simply is that, when there are serious powers available, at stake, you can rest assured that serious people will seek the office. People of no less interest and concern for the District than those who have been fortunate enough to be appointed will be seeking those offices. I think, given the sophistication of the community, they will reward those who are serious with public office.

So that I think that is one dimension that we must make very clear to the Members of the Congress, that everybody is not going to run for a position that has a lot of responsibility but, clearly, no authority. Anybody with any sense is not going to waste his time doing that. I

share with the members of the Council the sense of frustration and the deep commitment for home rule that grows out of service on the City Council.

I think, if ever I was conversant to a thorough self-determination position, it was while I wrestled with the job which these men now have. I hope that point comes through very clear, on the quality that will seek the quality authority that goes along with responsibility.

Now, I just have now a series of questions for the panel. Let me preface my series by saying that I am so appreciative of the quality of the testimony that you have given, and I want to assure the panel, on the basis of my knowledge of this committee and my growing knowledge of the Members of the Congress, that, Mr. Meyers, we are serious, that there is an act of will shaping in this committee, and I believe I see it in the Congress, to develop meaningful self-determination for the people of this city. That act of will runs to both issues that you delineate.

I think there is an act of will, a desire to define what the Federal interest is, and there is a recognition by the majority of the members of this committee, I think, of the District Committee, that that definition cannot be made by the citizens of the District of Columbia. So that I am pleased that you have acknowledged the fact that a charter commission would sort of shift the responsibility for defining for the Congress the basis on which it is going to decide what the Federal interest is. That is fine.

There is a serious effort on the part of this committee to get the Congress to decide the basis on which it will make a judgment, because, as you have rightly pointed out, the decision as to whether we get self-government is not going to be made by a commission. It is going to be made by this Congress. And I feel an act of will in this committee, in the District Committee to make that decision and to grapple for a basis for it.

By the same token, I think there is an act of will and a desire, if not only in the majority of Congress, but certainly in this committee, that that act of will include a sound economic base for the substance of self-government, not simply the form, in terms of election and responsibilities, but also the substance in terms of the ability to finance the machinery of government. Not only do I sense that commitment on the District Committee but in the Congress and House of Representatives, generally. I think I sense, if not a commitment, certainly a desire to define the Federal interest.

And it is for all those reasons that I am very pleased that, in your prepared testimony, you have addressed two hard questions, one of which is a prime concern to me, and that is, how shall we finance the city? I am very much intrigued by your proposal that there be a fixed Federal payment to begin with a \$190 million plus a fixed percentage of that year's revenues, plus a revenue process every 5 years for purposes of determining whether or not that formula is adequate for the time.

I am very pleased with that, and I have two questions with respect to what you have suggested. The first is, for any member of the panel, how would we arrive at the fixed percentage of that year's revenues? Beyond that \$190 million? I know that's a hard question to tackle. We have got to answer that if we want to put it together.

Mr. NEVIUS. Clearly, Congressman Fauntroy, that is the hooker in it, and I think that is something that would require a good deal of study. It could be a very small percentage, or it could be a substantial one. Indeed, the percentage itself might be subject to review from year to year.

Frankly, this concept is a new one to us. That impresses us as being an avenue that really ought to be researched, but we did not have a chance to explore it thoroughly enough to come up with a recommendation as to how that percentage should be arrived at.

It seems to me that it would be possible to develop either a flat percentage—I think that would be preferable—or a flexible one, based upon several factors having to do with the composition of the budget. But I don't think that we are in the state of sophistication where any of us is in a position to actually make a concrete, thoughtful recommendation on how to arrive at that percentage.

Mr. FAUNTROY. Let me assure you, Mr. Nevius, that neither you nor we nor anyone that I have been able to find on Capitol Hill considers himself in a position to make that judgment. But if we are going to come up with a viable form of self-government, we have got to do that.

Mr. NEVIUS. I agree.

Mr. FAUNTROY. And so I am not asking for an example. I would like to see a little free association. How do we arrive at a fair and equitable Federal payment on your formula, subject to review every 5 years?

May I suggest that the \$190 million comprises about what—21, 22 percent of our budget now. Since that first 5-year review period would be a testing period, I wonder if you could get a little more specific about what additional percentage of the budget we might want to suggest for the first go-around?

Mr. MEYERS. I don't think, at this meeting, it is feasible. One of the reasons I suggest it may not be is that we cannot overlook, I believe, that the proposal for a fixed percentage would probably emerge, I think, in the President's budget. In which case, it would probably entail heavy involvement of OMB in coming up with numbers to propose to the Congress. That is a hunch that I take now. I think it is inescapable that it would come to the fact that it would be part of the Executive budget.

Mr. NEVIUS. I might add this, Congressman. This is complicated in part by the fact that we operate a great deal on Federal grants right now, like all cities.

Mr. FAUNTROY. And all States.

Mr. NEVIUS. And all States, right.

And the possible changes, one of which has already been implemented by Congress into a general revenue sharing concept as a substitute for those fundings; also the possible changes into special revenue sharing block grants to replace part of these Federal grants; that complicates it, because, if the Federal grants remain at the same level, than we have got a benchmark from which to work. But if the revenue sharing totals should prove to be less, then that puts a burden on this percentile that we are talking about, which would, in my opinion, indicate that we would have to increase that percentile if we

are going to be able to maintain the level of delivery of services that we presently have. So that is one variable that makes it difficult.

I think the formula would have to reckon with—the percentage formula would have to reckon with any changes during the 5-year period, with respect to the Federal grant type of funding.

Another thought that occurs to me is that it would be possible, in coming up with this percentage, it would be possible to—I think first of all, it is essential that the combination of the \$190 million plus x be, as it is now, considerably more than the so-called real estate value tax. Because there is no logical relationship, in my mind, between the value of Federal real estate in the District of Columbia and the cost of municipal services. We are told—and I think accurately—that in recent years, the cost of delivery of municipal services has been increasing in all major cities in the country at half again the rate of speed as the increase in the local revenues.

Mr. ADAMS. Now, wait a minute. I understand that recent statistics show that local revenues will exceed local costs throughout the United States this year by about \$12.5 billion.

Mr. NEVIUS. Well, if that is true, then my information was wrong.

Mr. ADAMS. Well, this may take in a lot of suburban communities and other communities, but that is the most recent report from the analysis of local revenues as opposed to local expenditures this year. I am not saying that it is true of the District or elsewhere. But this is a problem that I wanted to throw in at this point.

Please proceed.

Mr. NEVIUS. I may be mistaken on that, or it may depend on where the city line is drawn in terms of the character of the population, the more affluent being on the outside, but included in the totality of the figures.

All I know is that the League of Cities and the Conference of Mayors has generally made reference to that statistic. But I must confess that I don't know exactly where the line of demarcation is drawn within an SMSA for that purpose, or whether it includes the whole SMSA.

Councilman Meyers has—

Mr. MEYERS. There is one more element that is in it that is also an uncertainty, Congressman Fauntroy, and that is, we here are thinking and reflecting with yesterday's equipment. But if we are talking about a system where the City Council was raising local revenue, we would have options as to what our own revenue structure would be, which we haven't even explored yet, which affects what that percentage would be, you see. We have never had the right to set a sales tax, the right to designate new revenue sources. These are all things that would have to come into the equation.

Mr. NEVIUS. The point I was trying to get at is that it is possible, even if statistics indicate that it is not, in fact, the case today—it is possible that the cost of municipal services would continue to rise, particularly with the advent of union organization in municipal government, at a much faster rate than the value of the real estate in the Federal Government in the District of Columbia would rise. Therefore, I think this percentage should have in it an ability to take into account that kind of thing, in addition to the real estate tax.

It seems to me right now the real estate tax is insufficient because we are delivering a lot of municipal services to the Federal structures in town, which costs us money. Except through the \$190 million—let's put it this way—through the \$190 million today is the only way we get compensation for that, in addition to getting compensated for the loss of real estate tax on over half the land in the District.

Councilman Foster has something, too.

Mr. FOSTER. I think this points up something which is growing not only here but everywhere in the country, which is the use of real estate, which is only one part of the cost of living, to base so many of our decisions on.

In talking about the percentage, we must take in the factor of inflation, because the cost of municipal services varies with the inflation rate just like everything else.

I suspect one of the reasons for Congressman Adams' figures there is that the cost of the real estate part of inflation has gone up much faster than a great many other things. This would bring your revenues up in a distorted fashion. Now, particularly in cities, real estate as a measure of raising revenue, in my opinion, is very misleading. After all, your real estate tax, I think, historically was based on rural things. It was another form of tax like the old personal property tax—how many cows, how many tractors, how many acres.

But in a city this is a distortion. And increasingly, as I see what our own real estate taxation is doing to the elderly citizens, people on fixed incomes—not just the elderly, may I add, but the youngsters who are starting out to house themselves who can't get raises as fast as their houses are increasing in value—these are, again, distortions of cities. So that I would hope, in setting this percentage figure that we are talking about today, that a very important factor in it would be the inflation rate, something which does vary from year to year and which, nationally, we have a fairly good hand in.

Mr. FAUNTROY. Gentlemen, I must emphasize again the fact that it is my hope that neither I nor this committee will be immobilized by a paralysis of analysis. That is, we must begin somewhere; and I would be the first to agree with you that the real estate tax formula base is not an adequate base on which to arrive at the formula.

I am further convinced that it is not feasible to establish the cost of services. That is, you cannot say how much Clorox is required to go into Blue Plains, or whatever they use to purify the water, to purify the water that the Federal employees drink as over against the District employees or residents. That is folly. It is folly to try to quantify or qualify the amount of electricity burned on the streets in front of the embassies and in front of the Federal buildings, as over against that burned on my street, the street where I live. That's folly.

But I do believe that we have got to wrestle; you with resources, us with our resources. We have got to wrestle with coming up with that fixed percentage. Now, there are variables. But we know how to deal with variables. If it goes this way, we develop a formula; if it goes that way we develop a formula; and if it goes another way, we develop a formula.

My view is—and I hope that you would look at—assuming that our taxing authorities are transferred to the local government and that they remain roughly at the same relative level over the next 5 years;

assuming that OMB made a good judgment, and that you and the Mayor made a good judgment in complying with that view—assuming that is the case, and assuming that the revenue package, the revenue sharing formula remains what it is today, we ought to arrive at fixed percentage above that \$190 million, which is only about 20 percent of the budget.

And assuming that we may have a shift in the revenue sharing formula, we ought to work out a percentage, so that, I would hope that they would put somebody to work taking a good look at what would be a fair percentage of the cost of running the city the Federal Government should be willing to bear, beyond its present level.

And that is the great joy that I get from the formulation you have made here. It gives us something around which to begin.

Mr. NEVIUS. Councilman Meyers wants to respond to this.

But let me just say, we will, indeed, Mr. Congressman, try to come up with something concrete for purposes of such a percentage. I can't resist the temptation, at this point, to put in a small plug for our hope that we can have a modest increase in our staff in the new budget.

Mr. ADAMS. Will the gentleman yield a moment?

Mr. FAUNTROY. I'll be glad to yield, sir.

Mr. ADAMS. Mr. Fauntroy has put his finger on something that must be done, and I want to explain it to you from the problem that we face and make it very blunt and very specific—we have tried to do this in our questioning to the witnesses, and we will do it with the executive branch of the Government when it comes in—is that, assuming we do have the opportunity to sit down and mark up a bill, and thereafter go to the floor with it, we will have to have a section that will say something very specific on this. It is just as he is pointing out—if you are going to use a flat figure plus a percentage, that percentage cannot float around in the air.

The second thing that is involved with that is that, in an argument on the floor as to how this District should be financed, we must take into account, as Mr. Meyers has mentioned before, the appropriations system which is up here, which operates on a year-to-year basis. If this payment became a Federal payment every year, unless a revenue sharing formula for 5 years, such as came out of the Ways and Means Committee, is adopted—and which, incidentally, was fought bitterly by the Appropriations Committee—and may be rejected at some point during the next 5 years, because it does avoid the appropriation process.

You must deal with the fact that, if the Federal Government is going to transfer money to the District, it must do it either through the appropriations process or through a very difficult floor fight that will establish a different system, and that must be completely rationalized by the members of this committee who are there to defend it. People are going to want to know, just as Representative Fauntroy has stated, what is the basis for this.

I agree with the comment made by Mr. Foster, and I think you can get general agreement in the Congress on this, that the property—that we don't want a payment in lieu of a property tax. The Congress itself has reasons for that. Because if it does that with Washington, D.C., it is going to have to go to every city in the United States and deal off with them on an in-lieu-of-property-type taxation. That is the reason for the States and the Federal Government backing off from one

another on that issue. We don't tax theirs and they don't tax ours, because it is too gigantic a job for both of us to take it on.

But that rationalization, either with the executive branch giving us exactly how this works or the Council giving us precisely how this works, must be done. Because we as individual members of the staff of the full committee and the staff of the subcommittee—we simply do not have the resources that we can rationalize all of the things that he mentions.

Now, I appreciate the gentleman for yielding to me for that; but I think it is very important that somebody does this.

Now, Mr. Fauntroy.

MR. FAUNTROY. I want to just emphasize that. You can understand why I am so happy about your testimony, because we are getting down to the nitty-gritty of what it is going to take to get anything passed on this floor.

You went into my second question. I told you I had two questions. First, how we arrived at a fixed formula, and second, very substantively, how does the review process that you suggest, whether it is 5 or 3 or 2 years—how is that handled on Capitol Hill? Do we do it with a District Committee that sits around and waits for 5 years, or do we dissolve the District Committee and put the review process in the Appropriations Committee, or a select committee every other Congress to deal with the review process? How do you see what you have recommended as a 5-year review process being handled by the Members of the Congress, who must agree to this formula?

MR. MEYERS. May we—the chairman has permitted me to respond. May we finish response to the first question and then try one on for the second?

MR. FAUNTROY. I would be very happy.

MR. MEYERS. I think, as for the first, that you have asked us to be more specific is happy news for us, because it means that we will turn around now and try. We can talk of ballpark figures at this minute, and say the Congress in its wisdom established \$190 million now. We assume a certain inflationary cost, running 10 to 15 percent in terms of what the costs of government are, provided, however, there are certain extraordinary startup costs. What do you do about starting up St. Elizabeths? What do you do when you get hit with RFK Stadium and its expenditures? What do you do when you get hit with a clear demand for new and better educational facilities, including higher educational facilities? Those are things that must be worked in.

We truly are blessed in the District with a—I believe personally—a fine Department of Finance and Revenue. Now, we're going to be holding a roundtable in May on the subject of whether the assessment system works. That will be after all the appeals are over May 2. Aside from that, their abilities that I count on strongly to be able to give us some real statistical assistance. I would certainly want to rank in as well, Mr. Coppie, and some of the members of OMB before we get down and furnish members of the committee what we think would be closer than a ballpark estimate of how we should proceed.

Moreover, the committee itself, obviously, during the course of its own hearings might want to do the same thing. But we will certainly proceed in that.

As to the other, I hardly think that we could presume to say the way the Congress should organize itself, but—

Mr. FAUNTRON. You go ahead say it. That's all right.

Mr. MEYERS. Well, if I had my druthers, both committees—there are four committees that are concerned with the District at the moment. Should we establish a system of self-determination of the kind envisaged here, obviously we would then be competing in the future for the congressional budget with not as easy opportunity to claim that you had reason to spend that money. That being the case—that is, to operate the committee themselves—I would envisage, therefore, that all four committees would be dissolved, and that what would emerge is a permanent select committee—permanent whatever the terminology is—a permanent committee, joint committee of the two Houses of Congress with both appropriations and substantive authority. And it is at that—

Mr. FAUNTRON. Excuse me.

Right on.

Mr. NEVIUS. There are a lot of reasons why that would make the life of the District of Columbia government a lot easier.

Mr. ADAMS. Counsel—oh, you had another question.

Mr. FAUNTRON. I had just one other comment on that. I think the inflation factor is something that you pointed out that might affect the \$190 million as base. I, from my experience now in the Banking and Currency Committee in consideration of the Wage Stabilization Act, I know that they tie—we are proposing to tie allowable increases in prices and the like to the statistically arrived at rise in the cost of living, so that—each year—so that we say that the cost of living increases will be allowed, pursuant to the findings of the Bureau of Labor Statistics as to what the cost of living has actually been over that year. So that a sentence in the bill could take care of that inflation factor, and you all are going to work on the other.

Thank you.

Mr. ADAMS. Counsel?

Mr. DUPUY. Thank you, Mr. Chairman.

I have a series of specific questions which you as legislators may want to comment on. I will give you all four questions, and then you can take them singly or together, if you would like.

First, what is the optimum size of the new council or legislative chamber under a new government?

Second, how long should council terms be under a reorganized and elected government?

Third, assuming the elections, would you recommend they be from wards, at large, or a combination? If in a combination, what kind of combination would you recommend?

And then, finally, should the elections be partisan or nonpartisan?

Mr. NEVIUS. Councilman Foster has some thoughts on this.

Mr. FOSTER. I'm starting at this from two bases. I also served on the Board of Elections of the District of Columbia and the question of electoral administration comes into these questions.

The first comment I would like to make is that distinguished sociologist, Mr. Parkinson of Parkinson's Law, proved conclusively that the strength of the British Empire diminished as the size of the cabi-

net increased. And my own opinion is that we probably should not enlarge the Council beyond what we have now. The more you enlarge it, the weaker it would become. That is my own personal opinion. So that I would like to see not more than one person elected from each ward.

I also would like to see the Mayor and the chairman elected at large. The reason for this is, the important thing about the forming of tickets in the electoral process, the ticketing process is very important. And I think I would see both the Mayor and the chairman of the City Council running—various slates would be running as tickets, and I think this would be healthy. There are those who would argue that the separation of powers get violated by this. I think this is not true. The separation of powers comes from the powers that the executive has and the legislative has, not from the fact that these men are allies or not.

I think I would keep the same terms we have now, which is every 3 years. If we use the figure "9", which is the service areas we have, rather than "8", which is the election wards, this would give three people elected each time, and you have a constantly rotating Council.

And last but not least, I think rather than saying partisan or non-partisan, I think the important thing is whether they are "Hatched" or "un-Hatched," if that's the proper phrase. An enormous number of our citizens—and some of our finest citizens—are also Federal employees. I think it would be a shame for them to be barred from the process of city government, and I think the city government would benefit from their input, advice, and work in the campaigns. So, partisanship is going to occur always, because this is a human trait. By that you mean Republican or Democrat, presumably. But I think more important is the "Hatched" versus "un-Hatched" factor.

The last point I would like to make is that I believe these should be run in the off-years as much as possible, so that your electoral professionals each year have a task to perform. This keeps them on their toes and makes for better administration. But most importantly, for one who has tried to organize a campaign, your party workers, your party machinery, your political machinery has something each year to get interested, excited about, and to work on, instead of rusting in between elections.

Mr. DEPUY. Are there other comments from other members on that question?

Dr. Robinson?

Dr. ROBINSON. Yes. I would like to see one councilman elected from each ward, eight, one at large, the chairman being the one at large who received the highest number of votes.

I would like to see the term of office 4 years. Personally, being a Republican, I would like for it to be a nonpartisan election. [General laughter.]

Dr. ROBINSON. Because being outvoted, outregistered, 7 to 1, I see the same thing in the District of Columbia that we probably have in Montgomery County, where we have all the members of the council of one party.

But I could go along with a partisan election.

Thank you.

Mr. DEPUY. Mr. Meyers?

Mr. MEYERS. Just one more point, Mr. DePuy.

I would like to see an independently elected comptroller as part of the electoral process.

Mr. ADAMS. Mr. Landgrebe?

Mr. LANDGREBE. Mr. Chairman, I would like 30 seconds to clarify one point.

I asked a question, and it sounded, maybe, a little facetious or comical, but, no matter how the question sounds or how people interpret it, I want to say that this is the third or fourth time I have had the pleasure of interviewing these gentlemen. I don't think that this city could, under any terms or circumstances, elect a finer group of people, more dedicated people than we have before us. I really don't.

Mr. FAUNTROY. I'll agree.

Mr. NEVIUS. We are deeply grateful for that compliment, sir.

Mr. ADAMS. Thank you, Mr. Nevius and gentlemen of the panel. We certainly appreciate the time you have spent with us this morning, and you have answered our questions that we had of you, other than the one that Mr. Fauntroy and I have left with you.

We appreciate your being here.

Mr. NEVIUS. We'll be happy to furnish—we'll really get to work on this and try to furnish him something that is helpful and meaningful.

[The information follows:]

CITY COUNCIL,
GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., May 4, 1973.

HON. BROCK ADAMS,

Chairman, Subcommittee on Government Operations, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ADAMS: This letter is responsive to your Subcommittee's request to City Council Members expressed during your hearing of April 5, 1973, that the Council suggest a formula to ascertain the annual Federal contribution to meet capital and operating costs of the D.C. Government.

As we are aware that material must be supplied to you in the face of deadlines, Chairman Nevius has authorized me to respond individually. Such amendments and expansions as the full Council may wish to submit will be presented at a later date for inclusion in the record.

First, Chairman Nevius' observation of April 5 that any formula must afford flexibility is reaffirmed. We are exploring a new relationship, one in which it will be impossible to anticipate every variable.

Second, since the date of your hearing, we have examined with appropriate Federal and District officers several considerations from which a formula should be derived. Principal among these considerations is the trend of growth in local revenues as compared with parallel growth in the Federal payment during recent years. Census Bureau figures indicate an annual average growth rate in D.C. tax revenue between 1966 and 1971 of 12.1 percent, including increments both in rate of taxation and in the tax base. During a like period, the annual growth rate of the Federal payment has been lower. As a ratio, compared with the growth rate of local revenues, the rate of growth of the Federal payment is as 1 to 1.5; that is, local revenues have grown at an annual rate one and a half times the annual growth rate of the Federal payment.

As viewed here, it would be of benefit to both governments, in designing a formula for the Federal payment, to incorporate genuine incentive to the City to stimulate local revenue growth within the limit of our own financial authority. Such an incentive could best be derived from a formula in which the annual rate of growth (or decline) in both local revenue and Federal payment would be on a 1-for-1 basis.

To achieve that end, the following formula is submitted, comprising a "floor." or base, and an annual increment:

(1) *The Base*.—This should be the highest of:

(a) \$190 million, representing the sum Congress has already deemed necessary; or

(b) such Federal payment as the Congress may determine to be necessary for the next fiscal year; or

(c) \$190 million, plus or minus a percentage equal to the same annual rate of growth or decline in local revenues experienced by the City since the Congress first authorized a Federal payment of \$190 million.

(2) *Annual Increment*.—A percentage of the base selected above, calculated in such a way that the annual rate of change for each year bears a 1-to-1 ratio with the rate of growth or decline in D.C. revenues raised from local sources, as the latter are forecast at the outset of each fiscal year by the City Department of Finance and Revenue. Any variations between predictions and experience would result in an adjustment in the Federal payment at the end of the year.

It is believed that the foregoing formula would be fair to the interests of both the Federal and local governments while establishing a desirable incentive for local revenue growth.

As with all preparation for self-government in the District, it is preliminary and subject to improvement during the period of adjustment following the transition of authority. The implications of any formula, after all, can be appreciated only when all the variables are reasonably clear. Self-government in the District presents variables which neither the City nor the Congress wholly can anticipate now. These include, for example, municipal bonding authority vested in the City Government; the power to establish new local taxes and set rates therefor; and the high start-up costs of major civic improvements such as stadiums, institutions of higher education, major transportation systems, and the like. Accordingly, the proposed formula and our experience thereunder should be reviewed within three years from the time it is made effective.

I am sure you can appreciate that this suggestion is spare and brief in order to be responsive to time requirements. Naturally, we will be ready to amplify and explore more extensively at your convenience.

Respectfully,

TEDSON J. MEYERS.

Mr. NEVIUS. Thank you for this opportunity, Mr. Chairman.

Mr. ADAMS. Thank you.

Our last witness this morning is Mr. Jordan, representing the Black United Front.

Is Mr. Jordan here?

Mr. Jordan, if you want to approach the witness table, the committee will be happy to hear your testimony.

STATEMENT OF ABSALOM JORDAN, BLACK UNITED FRONT

Mr. JORDAN. Mr. Chairman, other members of the committee, I am happy to have this opportunity today to appear before the committee, but I do so reluctantly.

I have a prepared speech, and I will read it, but I find myself a little caught, and I will address myself to one of the remarks that was made. It seems that the question, the tone of the questions, are such as to indicate that one particular form of self-determination has already been decided. The one particular form of self-determination has a leading edge, if you want to term it that way, and I think the fact of the matter is we just don't want anything anymore; we want statehood.

We want the citizens of this city to enjoy the rights that every other citizen in the United States enjoys. Every problem which exists today in this city exists because the congressional controls and White House administrators have failed.

The citizens of Washington, D.C., are as capable of governing themselves as the citizens of any other State in the country, not to mention the fact that our population is larger than 11.

The issue is how to deal with racism, because racism is both manifest and latent is the reason Washington, D.C., does not have self-determination, which is the evil disease which grips the Congress, and which manifests itself in the continued colonization of this city.

First, I want this committee to note that as a full citizen of the United States—and I use that term guardedly—it is degrading for me personally and the citizens of this city to have to come before the Congress of the United States and beg, because in essence that is exactly what we are doing; begging for self-determination.

I am insulted, and, indeed, the citizens of this city should be insulted, and so should our nonvoting delegate be insulted, for having to subject ourselves to these indignities which are blatant manifestations of the racist nature of this Congress. We have a nonvoting Delegate, and that is about all.

Congress has played politics with Washington's three-quarters of a million residents, and so has the executive branch. In street terms, Washington, D.C., has become a whore.

There is no doubt that Congress reaped great benefits from this city. Maryland and Virginia residents regularly screw this city and the city just lies here whoring for others, never benefiting herself.

Now, clearly 50 percent of the jobs in the metropolitan area are in Washington, D.C., and yet, if we were to check our unemployment rate, it is the highest in the metropolitan area. There is no reason for that. In light of the fact that Montgomery County doesn't hire any residents on its police force that don't live in Montgomery County; nor would Prince Georges County hire any nonresidents on its police force; I doubt if Montgomery County would hire any employees period which didn't live in Montgomery County, and clearly Washington, D.C., is placed in an adverse position.

We want the pimps to free the city and to see if this whore can't develop herself to her greatest potential.

Mr. LANDGREBE. Mr. Chairman?

Mr. ADAMS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Chairman, may I interrupt?

We invite people to testify in this Government, and we are here, and we listen to people, and we have some dedication to the prosperity, the peace and tranquillity of people. But, Mr. Chairman, I object to the type of language used here. The man may feel deeply about his cause; he may not be qualified to use better language, but in the presence of gentlemen and ladies, Mr. Chairman; I am objecting to this type of language. If this gentleman wants to testify and give us his feelings and omit the foul language—which is to me foul language—then I would suggest he proceed. Now, if you wish him to proceed as he has so far, then I will excuse myself.

I do believe, Mr. Chairman, that this Government must maintain some standards of respectability in our hearings, and I am going to insist that this be done at this time.

Mr. ADAMS. The remarks of the gentleman are noted.

Does the witness wish to say something before the chairman sustains?

Mr. JORDAN. Yes, I do. I find it very—you know, I don't understand the Congressman becoming indignant over terms which are used, words which are used, and wouldn't become indignant over the fact that some 750,000 people don't have the right to vote for representation.

I would also find it—be incapable to understand it—how this Congress can lie here and talk about a small word which I used, which in the vernacular of the street everybody uses. I am sure it hasn't insulted anybody in here. We know what it is. It is in the dictionary, and it is a way of expressing myself.

Now, if you want me to put it politely then I will say that Washington is a prostitute, but the fact of the matter is that Washington remains here used by everybody except its citizens, for the interests of everybody except its citizens, and there is no reason for it.

Mr. ADAMS. All right.

If the gentleman wants to proceed, the Chair would simply state to the witness that we have a series of rules of the House, and we must abide by them, those of us who are here, on the manner in which our remarks are made, and whether or not they are expunged from the record. I do not wish to expunge any of the remarks of the gentleman from the record, but I would prefer that he does proceed with his statement without—the words not meaning much one way or the other to me—without as he refers to it the street language. I can tell the gentleman is a very well educated man. He can do exactly what he wishes in terms of being able to express himself, and I would appreciate that he would do so.

Would the gentleman proceed?

Mr. JORDAN. Self-determination will come to Washington, D.C., and in the near future; hopefully, will come through the concerted efforts of legislators and not through the activities similar to those carried out in Northern Ireland.

In order for a pimp to keep a prostitute hustling, he physically abuses her, while occasionally giving her prospects of hope. The physical abuse instills fear in the prostitute, making her understand fully the strength of the pimp to carry out any threat that he makes.

In Washington we have proportionately the largest police force in the world, and it is designed to do nothing else but to intimidate and threaten the citizens, and you speak about evils of communism, and you also speak about the evils of vice.

In addition to having a Metropolitan Police Force of over 5,000 men, which seriously taxes the financial structure of the city, making it incapable of dealing with the needs of the grassroots people in this city, we have an illegal Capitol Hill Police of 1,000; Executive Protection Service; Federal Protection Service; Park Police; White House Police; and on and on—police, police, police—totaling over 10,000 men, and you tell me that we are freer than the citizens of Soviet Russia, or that we are happier than the citizens of Peking, and that we should forget any desires for freedom.

Mr. LANDGREBE. Mr. Chairman, Mr. Chairman, Mr. Chairman, will the gentleman yield at this point?

Mr. ADAMS. Mr. Landgrebe.

Mr. LANDGREBE. I have been in Moscow, Russia, young man, and I have seen some fine young people over there, and I tell you they are not as free as the people in Washington, D.C. They are not free to work where they please. They are not free to live where they please. They are not even free to leave Moscow, if they want to leave Moscow.

Now, you are free to leave the District of Columbia any time you want to leave this District.

Now, let's hope to God that we have people in this Congress who will continue to assure you of that freedom as long as you are able to live and others following you.

Now proceed.

Mr. JORDAN. Mr. Congressman, I am assuming that you are saying that there are degrees of freedom. I am saying that you are either free or you are not, and I am not. I can't vote for congressional representation. Possibly I deserve it more than other people in the country; possibly I deserve more than people in your own district. I am making a comparison here, because I am tired of hearing the right wing argument that we are free—compared to what? The freedom that we are talking about is comparing the freedom of Washington, D.C., residents with the citizens of this country, and we are not free, and when you start arguing the point that I can move where I want—no, I can't; and when you start arguing the point that I can get a job where I want—no, I can't; and when you start arguing the point that I can move where I want—no, I can't. I am talking about freedom of movement; no, I don't have it, and it is a lie, and it shouldn't be perpetrated on the people of this city, that we are free. In no terms are we free.

I can't move in this city in the way the whites do in Georgetown. I will be stopped if I go to Spring Valley, and the police won't make no bones about stopping me and asking me what are you doing over here, boy.

So in terms of comparisons with other governments, we are no freer, the citizens of Washington. The oppressor never admits that he is oppressing people. I don't expect you to admit that I am not free, and that you are oppressing me, Mr. Congressman.

But, I would remind this committee of the terms of Patrick Henry, a man that you taught me to learn about in school. You made me learn about Patrick Henry, and Patrick Henry said, "Give me liberty or give me death," and maybe that is what we should be talking about, liberty.

Because the thing is that this country likes to pride itself on its involvement in giving other people around the world liberty. Many black men died, disproportionately in our numbers in Vietnam to free the Vietnamese, and here in Washington, D.C., we can't vote for representation in the Congress of the United States.

Many black men have died in Korea to free people, and here in Washington, D.C., we can't determine the financial situations of this city and whether poor, black mothers are to receive an adequate welfare—a check, and I don't call it welfare. It is assistance; it is a subsidy in the same way that Lockheed gets subsidies, and the Penn Central gets subsidies. Let's not get hung up on semantic arguments. It is not semantics, and I think the Congressman understands fully what

my intent is; that comparatively speaking, the citizens of Washington, D.C., are no freer than people in other parts of the world, who we like to cite as being captives of an alien form of government, which doesn't allow expression.

I understand the paradoxes in this country. I see the lies before me, and the truth stands before me every day, for the fact is that Congress is not willing to voluntarily release the power it exercises over the District of Columbia, and undoubtedly the only alternative which is open now is a people's revolution.

I remember reading a report from the Joint Congressional Committee on Urban Affairs in which it was stated that the only Negro which whites understood is the second generation Negro raised on the sink, for, in fact, they had trained that Negro but, sir, you can't take any comfort in the idea that the good niggers will continue to be submissive to this oppression, for as I have been able to see the light; other blacks will see the light, too.

The drugs, the narcotics which are placed in our communities are not preventing us from seeing our goal, and our goal is liberation, nothing shorter than that.

One final remark; Stokeley Carmichel once wrote an article on the dangers of liberalism, and his conclusion was that the most dangerous element in the black community today is the white liberal, and I fully concur, for year after year after year whites have raised the hopes of blacks in this community, and we have never seen them fulfilled.

Year after year after year whites have developed schemes to thwart our thrust for liberation, and just as South Africa will be free one day; just as Rhodesia will be free one day; just as Mozambique will be free one day and Angola; the blacks in Washington, D.C., will be free one day of oppression.

Our struggle is international, for the oppressor is international, and it is in utter contempt that we hold the Congress of the United States which keeps in bondage the citizens of Washington, D.C.

No more asking; please, let this be the last time.

Mr. ADAMS. Do members of the committee have any questions?

Mr. JORDAN. I have some additional comments to make, Mr. Chairman.

I don't understand how we can sit here. From the earlier testimony we were debating a degree of freedom or liberation of the citizens of Washington, D.C. What we were debating was continued controls over their lives. I find this contrary to everything which the Constitution represents.

While Congressmen like to cite the Constitution of the United States, and it was cited fully; a portion of it was cited by the Nelsen Commission, what the Congress fails to cite is the rest of that sentence which says, "And Congress will exercise the same type of authority over lands purchased by the Congress with the consent of the States for the establishments of forts, arsenals," and it goes on.

So, what we have here, sir, is that Washington, D.C., is not in a unique position. We are constantly told that we are in a unique position, but the Congress of the United States exercises the same type of control, legislative control, over Washington that it does over all Federal lands.

I am sure that Congressman B. F. Sisk would have no problem whatsoever in having the people in Coarsegold, Calif., which is on Federal land, vote for him as they do now. I am sure that people who are residents living on the Perry Point, Md. Veteran Administration's reservation vote for Congressmen.

So, I don't understand the argument that Washington is unique; that we can't vote for representation in Congress because the Federal Government has exclusive legislative control. The Federal Government exercises that same type of legislative control over all Federal lands, and in no place except Washington, D.C., does it disfranchise the citizens who live on that Federal land, except in Washington, D.C.

So, what we have to talk about then is meaningful self-determination, and I heard the argument being presented about quality people will seek the jobs, and you know I have a problem with definition. We talked about people in these jobs who are the finer groups of people, and maybe that has been one of the problems in this city. The finer groups of people so often overlook the problems of the poor. The finer groups of people so often overlook the problems of the oppressed. The finer groups of people so often overlook the problems of me.

So, I am saying possibly we need to talk about meaningful self-determination with no strings attached. A Federal payment then brings about continued Federal control, and the Black United Front is unalterably opposed to continued Federal control.

But when we start talking about financial responsibility in this city, and city government that is responsive to the people, then we would find a city government that wouldn't retire the Fire Chief on total disability, a man who 18 months earlier had taken a physical and passed it with flying colors; a man who has done nothing in the 18 months since he became the Chief of the Fire Department of Metropolitan Washington; who has done nothing to injure himself or aggravate any injuries which he may have had prior to this; now ends up with total disability, 66 $\frac{2}{3}$ percent of his salary, nontaxable, until he dies.

And while he is receiving this money, we want to cut back the social services that we are providing to our children whose father couldn't live with them any longer. We want to cut back the services which this city would like to provide to the mothers who can't work.

When we talk about fiscal responsibility, we start talking about jobs, and we need to start talking about ending discrimination in jobs in this city.

We also, as Congressman Fauntroy knows, have been strongly supporting the position of an elected judiciary, because we feel that it is justice.

I am appalled whenever I go to one of the courtrooms in Washington, D.C., and see the justice which is meted out to my brothers and sisters there, and then as I see the judge leave, he gets in a car, a Cadillac or a Volkswagen; it doesn't make any difference what type of car it is, with Maryland or Virginia tags.

And we talk about people being tried by their peers. We talk about a justice system being balanced, and still I am sure that we would never get the citizens of Maryland or Virginia to accept the premise

that a judge or a person in the judiciary of Maryland or Virginia could live in Washington, D.C.

Also, we are supportive of a system which elects a police commissioner. Now, I know this idea isn't alien to anyone, for the fact is now that the Commissioner of our city, Walter Washington, has no control whatsoever over the police chief. These branches of the government are separate at this point.

But we would like to see the citizens of this city exercise a type of authority over the police. That is necessary for Washington, D.C.

And, finally, it disturbs me, this constant reference to having our budget reviewed by the Office of Management and Planning or having the executive branch come to testify on home rule. There is no guarantee in the Constitution that the executive branch will have any responsibilities or any control over this city whatsoever, and I don't understand why the Congress of the United States insists on letting the President run it. The Congress can legislate that the citizens of this city control their own destinies.

That is all I have to say, Mr. Chairman. I thank you for the opportunity to appear.

Mr. ADAMS. Thank you very much, Mr. Jordan. I appreciate your testimony.

Mr. FAUNTROY. I have one question

Mr. ADAMS. Mr. Fauntroy.

Mr. FAUNTROY. Just let me say, Mr. Jordan, that I certainly am impressed with your testimony. There is much truth in much that you have said. Even though my colleague found the analogy repulsive to him, I think that there is a measure of truth in it, and truth is where you find it.

I just want you to think about, however, the necessity of the Federal payment and to understand that a Federal payment is not a gift to the District of Columbia. It is a responsibility of the major industry operating in this city and in the area, to the people who must provide the services that enable it to operate.

So, that I am for one; whether you call the form of government statehood or home rule—I feel a responsibility to the people of the city not to allow to happen to us in our efforts to govern ourselves what has happened to the people of the Congo, who have full self-determination to elect who shall govern them, but the control of the diamond mines is in the hands of the Belgium corporations.

I am not going to sit by and see happen to us in the District of Columbia what happened to our American Indian brothers, who have full self-determination on the reservation away from the wheat belt and the productive land and without a buffalo, and I think that if you think deeply about the question of the obligation and not the gift, the obligation of the Federal Government to see to it—if the Federal employees are going to drink purified water; if they are not going to allow them to pay for it through a payroll tax in the District of Columbia, then on behalf of all the people in the Nation, the Federal Government ought to help us pay for that water. I do not like paying for the clorox. It may be the wrong term: maybe the fluorine. If I am going to drink the fluorine I don't mind paying for it, but if the fluorine goes to others who do not help me pay for it, I am concerned.

The Federal payment is not a gift; it is an obligation that we have to qualify and quantify and get before we will have meaningful self-government.

Mr. ADAMS. Thank you very much, Mr. Jordan.

Mr. JORDAN. Mr. Chairman, if I may?

Mr. ADAMS. Yes, go ahead.

Mr. JORDAN. Congressman Fauntroy, you know we have discussed this. I think if you put it in those terms, that it is not a gift but an obligation, the only problem I have is what happens if the Federal Government decides it wants to give less. But I accept fully the idea and the concept that the Federal Government must pay for what it gets, and I think at this point that has been one of the weaknesses in the city now, in the city's financial structure, is that the Federal Government has never paid its dues, and that the citizens of this city must receive some type of restitution and some relief, because at this point we are carrying too much of the burden financially for the city, and we must receive some type of relief from the Federal Treasury, which gives money to States, and I think we should give the money to the District government in the same vein that we give it to States and with the same type of strings that are attached.

Mr. ADAMS. Thank you very much, Mr. Jordan, for your statement. I think it was very eloquent.

These hearings will be recessed now until 9:30 on Monday, April 9. We will meet in room 345 of the Cannon Office Building, which is the caucus room.

We stand at recess until Monday at 9:30.

[Whereupon, at 12:10 p.m., the subcommittee recessed, to reconvene at 9:30 a.m., Monday, April 9, 1973.]

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA, AND REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

MONDAY, APRIL 9, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 345 Cannon House Office Building, Hon. Brock Adams presiding.

Present: Representative Adams [presiding], Delegate Fauntroy, Representatives Breckinridge, Landgrebe, and Symms.

Also present: James T. Clark, legal consultant; John Hogan, minority counsel to full committee; and Jacques DePuy, counsel to the subcommittee; and Anne Darneille, subcommittee staff.

Mr. ADAMS. The subcommittee will come to order.

The first witness this morning is Mr. William Simons of the Washington Teachers Union.

Mr. Simons, do you want to come forward; and the committee will be pleased to hear your testimony.

[The prepared statement of Mr. William H. Simons follows:]

PREPARED STATEMENT OF WILLIAM H. SIMONS, PRESIDENT, WASHINGTON TEACHERS' UNION

Gentlemen, you are well aware of the fact that the Washington Teachers' Union has always supported self-determination for the citizens of the District of Columbia. There is really no need in spending any time trying to justify the need thereof. As a matter of fact, there is the cry today that ways must be found to reduce government spending. These hearings themselves are a prime example of wasted funds.

The most expeditious way to handle the matter before you is to institute the procedures necessary to establish statehood for the District of Columbia. That is the only way to eliminate the stigma of second class citizenship under which the residents of this city suffered. In doing so, the issues which you have raised, i.e., Legislative Function, Executive Function, Judicial Function, Fiscal Affairs Function, Electoral Function, Government Form and Organization, become moot.

With respect to the question of Federal interest, certainly the Federal interests could be protected here in the same manner that the Federal interests are protected in the fifty states. This argument has been effectively used by the opponents of self-determination over the years. It is time to put the question to rest.

With respect to the question of the Federal payment to the new state of Columbia, a formula should be developed which will provide automatically each year a sum based on the services provided by the Federal Government, the property occupied by the Federal Government, the limitations on the local tax base, and the amount of revenues produced by the state government. The Federal payment is an obligation and there should be no quarrel as to its necessity.

The time now is for action, not words. Even though the composition of the House District Committee has changed, there is still a major question as to whether this committee is really sincere in its efforts to correct this injustice of long standing. The denial of the basic tenets of a democratic society to the citizens of the District of Columbia is one of the greatest acts of duplicity and hypocrisy in the annals of history. When you are ready to interrupt the flow of business in Congress for as long as necessary until this wrong is corrected, then, and only then, can it be said that the House District Committee has gone through a period of transformation and that the change was a meaningful one.

STATEMENT OF WILLIAM H. SIMONS, PRESIDENT, WASHINGTON TEACHERS UNION, ACCOMPANIED BY BARRY SPIEGEL, LEGISLATIVE ASSISTANT

Mr. SIMONS. Thank you, Mr. Chairman.

My name is William Simons. I am president of the Washington Teachers Union.

Mr. ADAMS. Mr. Simons, do you want to pull that microphone in front of you so that all the members can hear you?

Mr. SIMONS. My name is William Simons, president of the Washington Teachers Union. With me is the legislative assistant of Washington Teachers Union, Barry Spiegel.

My statement is very brief. I am not going to bother to read it because I don't think that it is really necessary. In this day and time we are talking about bringing the Federal budget into line, I think that this is an example of how we waste the taxpayers' money.

These hearings are totally unnecessary. We have a task which should have been done years ago. So that I can simply say to you that self-determination for the people in the District of Columbia is long overdue, and there should be no further questions about it.

What form of government should we have? Well, I think that since we are citizens of these United States, we should have the same form of government that is enjoyed by the citizens of the rest of the 50 States, and we should become the 51st State.

That being the case, then the questions that were raised by the subcommittee with respect to the form and substance of government and what have you, all become moot.

Now, the question of the Federal interest in the District, I don't think that there should be any problem in working out a form of government that is going to provide for the protection of the Federal interests, the same as the Federal interests are protected in the 50 States. So I don't see any particular problem with that.

The Federal payment in this city should be such that it is going to be on a formula basis. It's going to be automatic so that the Government will not have to wait and wonder how much money it is going to receive as a Federal contribution to the District of Columbia. Such contributions should take into account the factors of the property that is removed from the District tax rolls; also, the services provided by the city to the Federal Government; and also the amount of tax revenues that are generated by the citizens of the District of Columbia.

So with that in mind, I don't think that there is anything else that needs to be said. But let's get on with the business, and give us our freedom, period.

Mr. ADAMS. Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Simons.

As you quite properly point out, one of the key aspects of self-determination is access to an adequate Federal payment, or in short, a Federal remuneration for the services that the local government would deliver to the major industry in this city and in the metropolitan area, the Federal Government.

I wonder if you have had opportunity to develop a position on how that Federal payment should be computed, and on what basis it should be made available.

Mr. SIMONS. Well, it should be, as I indicated in my statement, computed on the basis of the property utilized by the Federal Government that has been removed from the tax base of the District of Columbia; also taking into account the unusual limitations that have been placed on the development of real estate in the District of Columbia by the Federal Government; the services rendered to the Federal Government by the city that would not normally be necessary if it were not for the presence of the Federal Government; and finally, the percentage of tax revenues raised by the people here in the District of Columbia.

The formula should be automatic, and the payments should be by the first of July each year, so that the planning for the new State could take place in an orderly fashion.

Mr. FAUNTROY. One of the key aspects of self-government, of course, is the administration of our public schools; and of course, you are deeply involved and concerned about that question.

Under the form of self-determination that you would like to see, would you have independent, or would you suggest independent funding and development of resources by the Board of Education, or should it be a part of the municipal or, as you suggested, State government?

Mr. SIMONS. That matter, I have not really decided because of the complicating factors that are involved. Certainly, if you're not going to give a broad enough base from which the Board of Education could draw its revenues, you're going to have change.

On the other hand, you're going to have to take into consideration that the Board of Education is simply one facet of the services performed by the entire city, and should be included as part of the overall city.

But whatever the source of funding is, once the funds are determined by the Board of Education, they certainly should have complete control as to the expenditure of these funds.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. ADAMS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Simons, you point out in your second paragraph that is the only way to eliminate the stigma of second class citizenship. Is this a factual statement, or is this more of a fiction and propaganda? I mean is this real, the stigma of second-class citizenship.

What is the factual effect of people living in the District of Columbia versus living in Chicago? Other than that they can't go to the polls and vote for their—what is the effect on them?

Mr. SIMONS. I am a native Washingtonian, born here and have lived here all my life. And I consider myself a second-class citizen, as compared to the citizens in the other 50 States.

I have never had the opportunity to vote for a major, never had the opportunity to vote for a member of the City Council, never had an opportunity to even vote for a Member of Congress, with the exception of Congressman Fauntroy, who is really not a full-fledged Member of this body. I've never had an opportunity to vote for a Senator. Therefore, I am a second-class citizen.

It was only recently that we had the right to vote for the President of the United States. Now, if that isn't second-class citizenship, maybe it's lower than that—15th class.

Mr. LANDGREBE. What effect has that had on your life? Aren't you a rather prosperous gentleman? Don't you—

Mr. SIMONS. It has a very much of an effect in my life. It means that I have no voice in determining what is going to happen to me.

When I was in the classroom as a social studies teacher, it was very difficult to get the students to understand the great American democracy, the electoral process, when the first question would be to me from the students who understood, when was the last time you voted for somebody?

Mr. LANDGREBE. OK.

Now, after at least a century or more of being denied the right to vote for this, that, and the other thing—and you've listed a whole number of them. This city does have the right to vote on school board members, do they not?

Mr. SIMONS. Yes, but that's simply a token proposition and simply voting on the school board—

Mr. LANDGREBE. Well, the real fact is that a token amount of the people turned out to exercise that right, isn't it?

Mr. SIMONS. Well, it makes no difference if only one person votes. Why deny the rest of the people the right to vote?

Now, if people don't exercise their rights, it's no reason for not giving it to them.

Mr. LANDGREBE. Well, what greater interest should there be amongst the citizens of this community than the management of their schools, the quality of education that their children are going to receive?

This seems to me is—with the right to vote and with the importance of the field that they are not voting in, it seems to me that they would have been voting 90 percent rather than 1 to 10 or 15, whatever it was that did bother.

Mr. SIMONS. Well, one thing you fail to understand, the school board still does not control the schools. You, sir, have that ultimate responsibility—the fact that you control the purse strings—so that until the board of education gets control of the purse strings, then we can say that we have an elected school board who really has control over the schools.

So here again, we've gone through the century of nonpolitical activity here in the District of Columbia, and it is not going to be created overnight. When you give the people something meaningful, something real that they can get a hold of, then, I think, you will find that the situation is going to be different.

I might also point out to you that this is nothing new. If you're looking at the voting records nationwide, it is abysmal compared to many other countries around the world.

Mr. LANDGREBE. I understand in the Presidential election there were only 55 percent of the people who exercised their right to vote, and certainly, it was a clearcut choice of Presidential candidates.

Have you any idea, seriously, what percentage of the people in the District of Columbia, turned out to vote in the Presidential election last year? Does anyone know?

It isn't of any particular importance, but——

Mr. SIMONS. No. I don't recall.

Mr. HOGAN. I can point out, I think, Mr. Landgrebe, that in the last school board election—the Presidential figures were given here the other day, and there is a larger percentage in the Presidential election—but for the school board, 16 percent of the registered voters had voted in the last school board election.

Mr. ADAMS. If the gentleman will yield; 1964, 91 percent voted for the election, according to the figures that were given to us; in 1968, 84 percent voted; in 1972, 60 percent voted, with a total vote of 165,678 people. That is the Presidential election.

Mr. LANDGREBE. Thank you, Mr. Chairman.

Mr. FAUNTROY. If the gentleman would yield a moment.

Mr. LANDGREBE. Yes.

Mr. FAUNTROY. I think that again was above the national average. It was on a national election, where the person elected had not only responsibility, but as we have seen great authority.

I think there is merit in what Mr. Simons has said, that the election for Board of Education is a token election for a token board which has token authority; and that where residents of the District of Columbia have an opportunity to vote for a viable candidate for an office with authority as well as responsibility, we respond higher than the national average in terms of voting.

Mr. LANDGREBE. Well, if the gentleman will permit me to make just a brief response. In any State, in any community where there are school board elections held, the school board members have some authority in school matters, but in the scheme of things they don't have almighty power either. They have to live with the city councils. They have to live with the State legislatures, and even with the rulings and decisions of this Congress.

I mean, at no place in the country does the school board have significantly more power than the School Board that is elected here, I don't believe.

All right.

Just one more question, Mr. Simons. You touched on statehood. Are you an advocate of statehood, or would you also embrace the idea of retrocession?

Would either one be satisfactory to you, and to achieve the goal of people having the right to vote?

Mr. SIMONS. I don't think that the question of retrocession should be discussed at all. We have been an entity for all these many years. I think that we are capable of self-government. And in order to put us on equal footing with the rest of the citizens around the Nation, in the 50 other States, there is only one answer—make us equal and whole and not a part.

Mr. LANDGREBE. I have no further questions. Do you have any questions?

Mr. HOGAN. No. I am yielding.

Mr. ADAMS. Mr. Simons, do you think that the matter of salaries for teachers should be controlled by the School Board or by the Executive and Council, who have overall budget authority?

Mr. SIMONS. I think it should be controlled by the School Board.

Mr. ADAMS. All right.

Now, if it is controlled by the School Board, do you think that an overall budget figure for the School Board should be established by the executive and Council or legislature of this new government?

Mr. SIMONS. The overall budget figure has to take into account the available sources of revenue, and also the services that are needed by the other segments of the city.

Mr. ADAMS. All right.

Do you think the budgetary process established by whatever executive and/or legislative body, should set the overall budget figure in advance of the year in which the services and the other materials will be obtained, or at the end of the year after the services and materials have been furnished?

Mr. SIMONS. Well, I think it should be set before, in order that you can have an orderly process of planning.

Mr. ADAMS. Then you would have frozen a year in advance by the executive and by the legislative branch the operation of the School Board within certain parameters for that year?

Mr. SIMONS. Well, I don't think it should necessarily be frozen.

Mr. ADAMS. Well, I mean, I asked you the question. What I'm looking for is the process that you are in favor of. You either set in advance what you are going to spend in a particular area, which is the budgetary process, as you know, overall, an allocation would be made to the School Board, or an allocation of a percentage of tax sources would be so allocated.

If this were done, then for that year you would have an operation that would, in effect, be frozen, unless you had a supplemental, which would mean that the executive and the Council would have to take from some other source.

I am just trying to determine—and I think your approach is probably correct. I'm not trying to tell you which one to go for. I'm asking you, because this is an area of your expertise.

Mr. SIMONS. Well, you have to be able to plan ahead. And this has been one of the major problems of the school system—not knowing how much money is going to be available to spend at any given time. For example, in the year 1971 when the budget was not completed until December 23, I believe, in the budget there was the provision to expend some \$3 million for special education, which has been sorely in need; but there was no way that the system could gear up between January 1 and June 30 to expend those funds; so we lost some of them because we were not able to plan ahead, because we didn't know.

Now, if we had known in July of that year that \$3 million was going to be available. I'm quite sure that money could have been utilized. And that is the problem, you see. If you don't know what you're going to get before you go into your school year, then you have a waste of funds, in a sense: because it takes time to have orderly planning in order to get the most effective use of the funds.

Mr. ADAMS. Thank you very much, Mr. Simons. We appreciated your testimony this morning; and without objection, your statement will appear in full in the record prior to your oral remarks.

Thank you.

Mr. HOGAN. Mr. Chairman, could I ask a couple of questions?

Mr. ADAMS. Just a moment. Counsel would like to ask some questions.

Mr. HOGAN. Mr. Simons, you indicate that you favor an automatic Federal payment. Is this automatic in the sense that the Congress in no way, either authorizing or appropriating, would have any determination as to what that amount would be?

Mr. SIMONS. Yes. You would have to take into account the factors that I enumerated; so it means some study is going to have to be made, but the study should be made in time so that the State would receive its funds in time for it to work on its budget.

Mr. HOGAN. Well, now, you criticized the committee for holding hearings on this matter. Don't you think that the Federal payment alone desires considerable study?

Mr. SIMONS. Well, that's one aspect of it. I am talking about a question as to whether or not the citizens of the District of Columbia should have the right to self-determination.

Mr. HOGAN. But isn't Federal payment part of that? You would have statehood determined separately from what the financing situation or fiscal situation should be between the Federal and local government?

Mr. SIMONS. What I am saying is that that could have been done years ago, and it should have been done years ago; that at this point in time, 1973, we are still deciding whether or not we are going to let the citizens of the District of Columbia have self-determination. It's a question that is long overdue, and I don't think it is necessary to continue to hold hearings on it when what we need to do is to set in motion that which is necessary to get this accomplished.

Mr. HOGAN. Well, do you know, Mr. Simons, do you know of any other situation in the Federal Government, or do you know any other situation locally, where there is an automatic payment to an entity such as the District Government by the Federal Government, where there would be no determination by the Congress, everything would be automatic?

Mr. SIMONS. Well, I didn't say that there wouldn't be a determination. There would have to be a determination, because the various factors would change. But what I am saying is once you get the formula established, then the payment would be based on that formula.

Mr. HOGAN. But do you understand also that as far as the formula is concerned, if the local taxes for some reason were to decline—let's assume that the sales tax were to decline, or let's assume that income taxes were to decline—that automatically the Federal payment would be reduced accordingly, even though the number of children, let's say, in school were the same or might even increase; that your Federal payment would be reduced accordingly on the Federal formula basis, an automatic Federal formula basis?

You understand that, I trust.

Mr. SIMONS. Well, I don't think that that necessarily would have to be the case. You might deduce that from that, but I think that the

formula that is derived could take into account that which is needed in order to have an effective operation.

Mr. HOGAN. So what you're saying then is that the Federal formula that you endorse is one that would never call for a reduction no matter what the revenue to the District of Columbia would be. It could always increase, but it would never decrease.

Mr. SIMONS. It might decrease, you know, if the cost of living went down. It's the same thing, I should imagine, that the Federal expenditures for the military service should reduce. They would not be at the save level for each year. Federal expenditures for other programs would be reduced and have been reduced.

So it doesn't mean that we're going to set it on a peg and never take into consideration a change in factors.

Mr. HOGAN. But if I understood you correctly, you said that the number of students in the school were relatively the same, and the needs were either the same or increased, that you think that there should be some additional element introduced at that point so that there would not be a reduction in the cost of operating the school system.

Is that correct?

Mr. SIMONS. If the need was there.

Mr. HOGAN. If the need was there, then there should not be a reduction in the Federal payment, notwithstanding the fact that the revenues in the District of Columbia declined; and it would normally call for a reduction under the Federal formula in the amount of the Federal payment.

Is that correct?

Mr. SIMONS. That's correct.

Mr. HOGAN. Now, you indicate that you think that the purse strings of the school system, that the School Board does not have control over that. Is that correct?

Mr. SIMONS. That's right.

Mr. HOGAN. Now, they have this year, or they will prospectively have, approximately a quarter billion dollars, both in operating funds and in capital funds, this year; and prospectively it will be about the same for the next year, will it not?

Mr. SIMONS. Well, that all depends. That's what we're asking for, but who knows what's going to come out.

Mr. HOGAN. Well, do you know what the operating funds were this year for the school system?

Mr. SIMONS. About \$147.5 million.

Mr. HOGAN. Do you know what the capital budget was for this school system?

Mr. SIMONS. I don't have that figure on hand.

Mr. HOGAN. It's in the \$75, \$80, or \$90 million, is it not; so it comes by and large to about a quarter billion dollars.

Now, prospectively, as I understand it, your schedule by the Mayor, the allocation that he would give you, would be approximately \$170—

Mr. SIMONS. \$168.5 million.

Mr. HOGAN. \$168.5 million for fiscal year 1974.

Mr. SIMONS. Right.

Mr. HOGAN. And he's also budgeted approximately \$75 million for capital outlay, which is again about \$250 million or a quarter billion dollars. Is that correct?

Mr. SIMONS. That's right.

Mr. HOGAN. Now, in the amount approved by him, largely that budget has been determined by the School Board, has it not?

Mr. SIMONS. Right.

Mr. HOGAN. So that they do in fact have control of the—assuming they get that amount, they will have control of that quarter billion dollars, will they not?

Mr. SIMONS. Well, the problem is this. That is the initial amount based on the programs that have been established. If there are to be any shifts because of changing needs, they cannot shift funds to meet those needs.

Mr. HOGAN. Yes. I understand that. And as a matter of fact, this is one of the items taken up by the Nelsen Commission. The Nelsen Commission indicated in their report that they felt that there should be greater programming authority for the District generally, but particularly they indicated the reprogramming authority for the school system should be increased, did they not?

Mr. SIMONS. Right.

Mr. HOGAN. And except for that reprogramming authority—and if there is too much reprogramming, it seems to me that there's an indication that there is poor planning—but as far as the reprogramming is concerned, except for that, the School Board pretty much has control over that quarter billion dollars, does it not?

Mr. SIMONS. When they finally get it, they do spend it in accordance with the allocations as set up by the Appropriations Committee, and eventually Congress.

Mr. HOGAN. Do you know the differences that occur from the time that budget leaves the school system until it is approved by Congress? In other words, the number of changes that are made by the Mayor, the number of changes that are made by the City Council, the number of changes that are made by the Appropriations Committee.

Mr. SIMONS. In previous years there have been a number of changes. This year, fortunately, the City Council and the Mayor did not make any significant changes in the budget that was submitted by the Board of Education. But this has not been the case in previous years.

I recall, for example, that one year the City Council eliminated all of the funds that the Board had requested for staff development services.

Mr. HOGAN. Yes. Well, here again, the Nelsen Commission report recommended that the programming, the funding for the programming and so forth, be left to the School Board pretty much. In other words, the Mayor and the District Council make recommendations to the School Board as to what program shifts there should be.

But as far as the level of funding, that would be primarily the Mayor's job, and primarily the District Council's job. And then that would then go to Congress. But within the level of funding, that the School Board would have the primary say.

Now, I gather that that is the way that the budget is operating this year, is it not? In other words, the Mayor is not telling you whether

or not you can have it, whether you can put 90 percent of those funds into vocational education if you so desire, is he?

Mr. SIMONS. Well, as I said, the Mayor this year did not alter the school budget, the \$168—well, actually the Board did request \$176 million.

Mr. HOGAN. All right.

Mr. SIMONS. The initial request was \$164 million. The Mayor did add to the budget. But in previous years such has not been the case.

Mr. HOGAN. All right.

So that the spending level and the programs, to a large extent, will in fact be determined by the School Board this year, is that not correct?

Mr. SIMONS. Hopefully.

Mr. HOGAN. Well, unless—there will be some cuts in Congress, but by and large what I have said is correct, is it not?

Mr. SIMONS. Hopefully, except that there again, you still have not removed that process that anything over \$25,000 for reprogramming has to come back through the City Council and the Mayor and to the chairman of the Appropriations Subcommittee before final approval is given.

Mr. HOGAN. That's correct. And the Mayor and the District Council, and for that matter the School Board, can cite the Nelsen Commission recommendation on reprogramming when they appear before the Appropriations Committee as far as the recommendation to Congress is concerned, can they not?

Mr. SIMONS. Yes, They can.

Mr. HOGAN. Now, turning a moment to the spending, you indicated that in prior years that the District didn't know what their funding was—and I agree with that to some extent—but they had about the same knowledge, it seems to me, as to the level of spending as a lot of cities, and certainly, they had the same amount of forecasting available to them as other Federal agencies have.

Isn't it true that the District was under a continuing resolution so that they could spend at the same rate as prior years?

Mr. SIMONS. That has been the case, but that still does not give any leeway.

Mr. HOGAN. For increases in spending.

Mr. SIMONS. Right.

Mr. HOGAN. Right. But it doesn't alter—

Mr. SIMONS. And also, as I pointed out to you, for example, in 1971 when the \$3 million was made available for special education, that was not \$3 million additional dollars in the overall budget, but Congress said you take it from here; so actually, they simply shifted \$3 million, leaving the overall budget the same so that there had to be cut-backs in some of the other programs in order to furnish that \$3 million in special education.

Mr. HOGAN. Yes, but the special education requirement that particular year, in effect, was a new program of funds. It was a new requirement, or it was a new program that the School Board was trying to initiate, was it not?

Mr. SIMONS. Well, they had been trying to do it for a number of years, but they were never able to get any funds to carry out the program.

Mr. HOGAN. That's exactly the point I'm making. If there had been prior funds under the continuing resolution, they would have had those funds to spend the following year. In other words, whenever a Federal agency, Mr. Simons, wishes to initiate a new program, they have to come to the Congress for funding, or in cities they have to come to the city council, or if they've got a strong mayor government, they've got to come to the mayor for those funds.

Is that not correct?

Mr. SIMONS. That's correct.

Mr. HOGAN. And if they go beyond the fiscal year, I assume that the cities, although I'm not certain of it, that there is a continuing resolution concept where the local government agencies can spend at the prior year's levels.

And all I am saying is that when you talk about delays—and it is true it constitutes a problem. There is no question about it. But this is a problem you have in common in the District of Columbia that other Federal agencies have, is it not?

Mr. SIMONS. That is true. But, you know, one point that you're missing, if the bottleneck is in city hall, then city hall has to be accountable to the citizens at the next election. As it stands now, they are not accountable to us.

Mr. HOGAN. All right.

But pursuing this one step further, Mr. Simons, the Federal payment now is approximately \$190 million, and what you are asking, it seems to me, is that this become automatic.

Now, the Congress has other constituencies that they report to. Let's assume the farmers, for instance—shouldn't the farmers in the country have the same right as the citizens of the District of Columbia and have an automatic payment for their programs?

Shouldn't there be a portion set aside in the Federal budget so that a number of dollars go to farmers, so that they can make their plans, so that they can plant their crops a year ahead of time, so that they can make their plans with their farms and with their produce and with their animals, so that they can predict ahead of time what they can do?

And yet, this is not the case, as you know.

Mr. SIMONS. Well, certain of us seem to enjoy it, or nonfarmers, you might say, they know what they're going to get next year. And, you know, they're living pretty good.

All I am suggesting to you is simply this, that the Federal Government has to meet its obligations to the citizens of the District of Columbia; and it should be done in such a way that it is not going to hamstring the operations of the District of Columbia.

Mr. HOGAN. All right.

Then I agree with that, and I think the Nelsen Commission addressed some of the ways in which this can be done.

Mr. Chairman, I just have one further question.

It is not true, Mr. Simons, that in the last School Board election there was 16 percent of the electorate that voted; and I think in the general election, by reason of that, there was something less than 9 percent or approximately 9 percent of the electorate who would have seen an individual elected at-large in the District of Columbia.

Is that not correct?

Mr. SIMONS. Probably so. I don't know the figures.

Mr. HOGAN. Well, I think if you checked the records, it will be so reflected.

Now, second, also the School Board by the large controls, as I think we have spoke heretofore, as far as their authority in spending, they have approximately one quarter of the total budget of the District of Columbia, both operating and in capital. So that you do have, to some extent, controlled locally through an elected School Board, approximately 25 percent of the operating and capital budget for the District of Columbia, do you not?

Mr. SIMONS. Yes. Well, of course, that still is not enough to meet the needs of the students here in the District of Columbia.

Mr. HOGAN. I understand it. I'm not taking a position on this, Mr. Simons. What I'm trying to do is to bring out for the record and for the Congressmen some of these facts which came to the attention of the Nelsen Commission.

Thank you, Mr. Chairman.

Mr. ADAMS. Thank you, Mr. Hogan.

Mr. Breckinridge.

Mr. BRECKINRIDGE. No questions.

Mr. ADAMS. Mr. Fauntroy.

Mr. FAUNTROY. Mr. Chairman, may I bring out for the record that any effort to compare the residual powers and controls of the School Board with those which exist in any other community in this country is erroneous. The fact is that the Mayor approved a proposed school budget, but that Mayor approved it not in reference to the people in this community, but in reference to the Office of Budget and Management, which is controlled by the President of the United States, who is not solely responsible or responsive to the people of this city by virtue of the fact that he's not elected by them.

The fact is that before they can exercise that control over the funds which they may or may not get, depending not upon the decision of people who are responsible to them, but upon the decision of the President and his Office of Budget and Management, they have also got to get clearance from Members of this Congress, not one of whom governs by the authority vested in them by the people who are governed in the District of Columbia.

It is simply impossible to compare the District of Columbia with any other city or any other State in the United States of America.

We remain the last colony.

Mr. ADAMS. Mr. Landgrebe, did you have a comment, before we go to the next witness?

Mr. LANDGREBE. Mr. Chairman, this is not a question directed to the witness, but I notice we have a large room. There's some 250 seats available. I wonder if those citizens of the District who are not on congressional staffs or government employees or press or media would be kind enough to hold up their hands so we could determine somewhat the amount of general interest in this hearing this morning at 10 on this lovely morning.

[A show of hands.]

Mr. LANDGREBE. I see one hand, Mr. Chairman.

Ms. DARNELLE. I'm not sure they heard you, Mr. Chairman.

Mr. LANDGREBE. They can't hear me. I'll be glad to repeat the question.

It's 10:30 on Monday morning. We have seats for 250 people. We're discussing a very controversial question of home rule for the District of Columbia. I wondered if those present, the citizens of the community, citizens of the District of Columbia who are present, who are not on congressional staffs or government employees of this District or the Federal Government or are members of the press, would be kind enough to hold up their hands.

[A show of hands.]

Mr. LANDGREBE. Well, we have six.

Thank you, Mr. Chairman. That's the information that I want.

Mr. SIMONS. Even so, I say that is still no excuse for delaying, and if it is only one person here, that one person should have that right and privilege and should not be denied.

Mr. ADAMS. Mr. Simons, we appreciate your testimony this morning. Thank you for being with us.

The next witness this morning is Mr. Alfred Trask, president of the American University Park Citizens Association.

Mr. Trask, the committee has before it your statement.

Mr. TRASK. Thank you, Mr. Chairman.

I should correct the designation. I am the past president of the American University Park and a member of the executive board.

We believe that the division of the District government should evidence—

Mr. ADAMS. Pardon me, Mr. Trask.

We have your statement. Do you wish to put it in in full and then comment on it?

Mr. TRASK. I was just going to summarize it.

Mr. ADAMS. All right.

Without objection, your statement will appear in full at this point. If you wish to proceed and summarize it and highlight in any way, please go ahead.

[The prepared statement of Mr. Alfred S. Trask follows:]

PREPARED STATEMENT OF THE AMERICAN UNIVERSITY PARK CITIZENS ASSOCIATION,
APRIL 9, 1973

Mr. Chairman: I am Alfred S. Trask, residing at 4306 Alton Pl. N.W., member of the Executive Board and past president of our Association.

Since this city is the Nation's Capital, the usual form of city government would be undesirable because of the primacy of the federal interest. The Nation's founding fathers gave to the Congress the exclusive power to enact legislation in all cases whatsoever over the seat of government of the United States (Article I, Section 8(17) of the Constitution. We should like to see a form of government here which would adequately protect the federal interest and yet give the electorate some voice in the local government, but not an exclusive voice. We do not believe that any of the bills now before the House would accomplish that.

Referring to the retrocession bill, H.R. 950, there are so many federal buildings without the confines named in the bill, and so many schools on both sides of the boundary which would be subject to different jurisdictions, that living patterns would be disrupted. Further, there is serious doubt that Maryland would accept this territory.

On the statehood bill, H.R. 2574, whether or not the citizens would vote in favor of the referendum, the liabilities of "statehood" far outweigh the benefits. The tax base would be small, and the new state would receive federal benefits only as accorded the rest of the states, without the specific federal aid now

granted to the District of Columbia as such. Further, putting the District on an equal footing with the other states would nullify the purpose for which it was originally set up; namely, to give the Congress exclusive jurisdiction over the seat of government and the right to take such protective measures as may be found necessary to safeguard government facilities and personnel.

Referring to the home rule bills, H.R. 5211 and 6439, there is a large number of offices whose members would be appointed by the Mayor (See Organization Chart dated July, 1972, attached), in addition to other offices such as the Board of Library Trustees and the three citizen members of the Board of Zoning Adjustment. The general organization apparently is not to be disturbed, H.R. 5211, Sec. 321(b); H.R. 6439, Sec. 305(b). We would deplore placing the entire administrative structure in the hands of an elected Mayor under these bills.

The number of potential voters here is less than that of nearly all of the states, compared with the number of inhabitants of voting age, because federal employes are entitled to register and maintain voting residence in their home towns. If they do, they cannot vote here. In other words, many residents are franchised elsewhere. The result is that any vote here does not reflect the views of as many of its inhabitants as in other cities or the states. This makes for a larger proportion of the voting population to be represented by people who receive their support from public assistance, and whose financial and other interests differ from and in many cases conflict with those of other citizens.

Total control of city zoning is a major announced goal of the principal elements demanding home rule. The single-family dwelling regulation is under attack as discriminatory against poor people, and as a barrier which walls the more affluent into a sanctuary west of the Park. The lack of low-income apartments in purely residential areas is a concern of those seeking control over zoning.

A vote for home rule is a vote against the zoning principles which maintain in our neighborhood the quality which we now enjoy. It also would be a mandate for accelerating abandonment of the city by those bearing the heaviest burden of its residential property taxes.

We do not advocate exclusion of all participation in city government by the electorate. Neither do we want exclusive control of the government of the Nation's Capital by the relatively small proportion of residents living in the District who would be eligible to vote. For that reason, we favor a combination elected and appointed government such as proposed by Mr. Broyhill last year in H.R. 12543 (92nd Congress): three Presidential appointees, three Congressional, and three elected. We should prefer to have the Chairman elected by the Council, as the President of the Board of Education is elected by the Board.

We are not entirely satisfied with the government set up by the Reorganization Plan numbered 3 of 1967. We preferred the 3-Commissioner plan. (Letter to Mr. McMillan dated July 30, 1967, "D.C. Reorganization Proposals", House District Subcommittee Hearings, June-August 1967 page 229.) We would welcome a constructive change which would not be ruinous to the welfare and safety of the Capital.

STATEMENT OF ALFRED S. TRASK, PAST PRESIDENT AND MEMBER OF EXECUTIVE BOARD, AMERICAN UNIVERSITY PARK CITIZENS ASSOCIATION

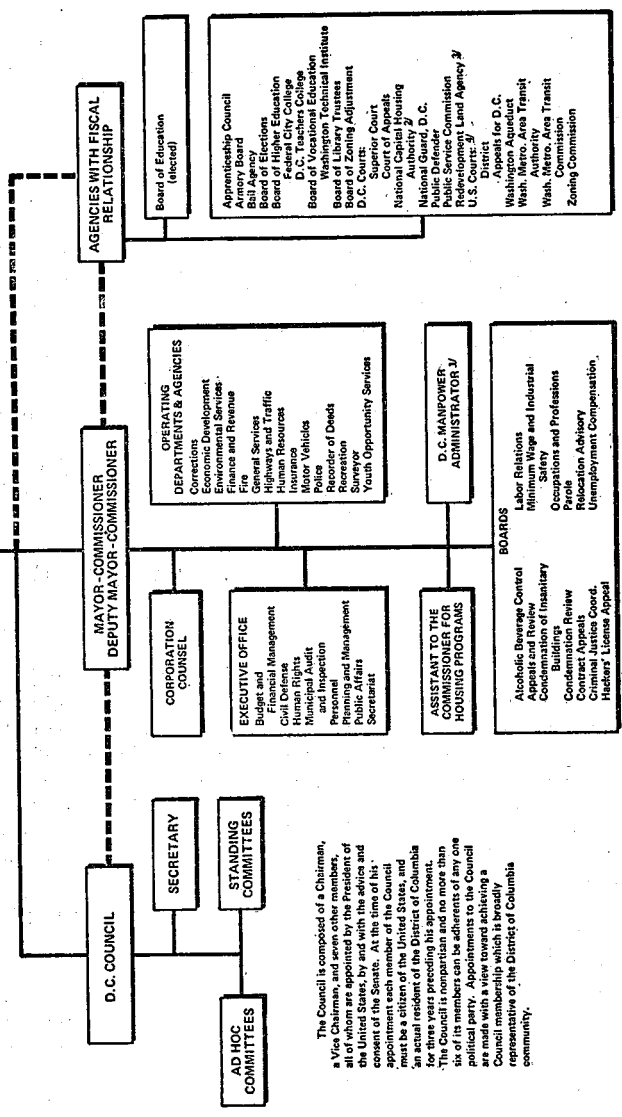
Mr. TRASK. Yes, sir. Referring to the home rule bills, they have put practically the entire administrative structure in the hands of an elected mayor. To give an idea of how comprehensive this power is, there is attached a chart of the District of Columbia government to the statement.

Referring to this chart, it would be noted that some of the officers in the box at the right are also appointed by the mayor, besides the library and zoning boards mentioned in the statement.

We note that the Board of Higher Education is appointed by the mayor. In contrast, the Board of Vocational Education is appointed by the President.

THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE PRESIDENT and THE CONGRESS



The Council is composed of a Chairman, a Vice Chairman, and seven other members, all of whom are appointed by the President of the United States. At the time of his appointment each member of the Council must be a citizen of the United States, and an actual resident of the District of Columbia for three years preceding his appointment. Six of its members can be adherents of any one political party. Appointments to the Council are made with a view toward achieving a Council membership which is broadly representative of the District of Columbia community.

1/ Part of Manpower Admin., U.S. Dept. of Labor.
 2/ Exec. Order 11401 of March 13, 1968 designated the Mayor as the head of the District of Columbia Authority.
 3/ Reorganization Plan No. 4 of 1968 gives the Mayor the authority to appoint the RLA Board of Directors.
 4/ Jurisdiction over D.C. matters to be phased out between February 1971 and August 1972.

- ASSOCIATED ADVISORY COMMITTEES AND COMMISSIONS**
- Academic Facilities
 - Aging
 - Emergency Medical Services
 - Food, Nutrition and Health
 - Health Planning
 - Arts
 - Bicentennial Assembly
 - Community Development
 - Building Code
 - Manpower
 - Mayor's Economic Development
 - Traffic
 - Community Revitalization
 - Minor Cities

- BOARDS**
- Alcoholic Beverage Control
 - Appeals and Review
 - Commission of Inquiry
 - Construction
 - Condemnation Review
 - Contract Appeals
 - Chemical Justice Coord.
 - Licenses Appeal

- D.C. MANPOWER ADMINISTRATOR / ASSISTANT TO THE COMMISSIONER FOR HOUSING PROGRAMS**
- Labor Relations
 - Minimum Wage and Industrial
 - Occupations and Professions
 - Parole
 - Relocation Authority
 - Unemployment Compensation

July 1972
 OPM

We also have an elected local school board. This is an interesting example of how it is easier to delegate authority than to get it back. It appears that there would be little chance of getting back to an appointed board, even if that should be found desirable.

This also shows that the Congress should be extremely reluctant to delegate further authority, even though the Congress did take it back once after the Sheppard administration.

We favor an approach that would give both appointed and elected members of the city council, such as proposed last year in the Broyhill bill, H.R. 12543 in the 92d Congress.

I thank you for the privilege of appearing here.

Mr. ADAMS. Thank you, Mr. Trask.

Mr. FAUNTROY?

Mr. FAUNTROY. No questions at this time, Mr. Chairman.

Mr. ADAMS. Mr. Landgrebe?

Mr. LANDGREBE. I don't believe I have any questions, sir. I haven't had time to read your statement, but it is refreshing to have a witness before the committee who has some objective comments regarding the situation, and who recognizes the Federal interest, and the fact that the District of Columbia is in relationship to the Federal Government an unusual situation.

And so, I assure you we will give very great specific consideration to your statement.

Mr. ADAMS. Mr. Trask, I have no questions. I have read your statement now, and I appreciate very much your coming in to testify this morning.

Mr. TRASK. Thank you.

Mr. HOGAN. Could I just ask one question, Mr. Chairman?

Mr. ADAMS. Mr. Hogan has one question.

Mr. HOGAN. Is your citizens' organization—you talk in here about zoning—

Mr. TRASK. I'm sorry, sir. Could you speak a little louder?

Mr. HOGAN. You have made some statements, in your statement you address the question of city zoning. Have you read the Nelsen Commission's report of its recommendations on zoning and planning?

Can you hear me? Maybe I'm not speaking loud enough.

You make some statements here about zoning in the District of Columbia. Has your citizens' association reviewed the recommendations of the Nelsen Commission as they relate to planning and zoning?

Mr. TRASK. The recommendations of the—

Mr. HOGAN. Nelsen Commission with respect to zoning and planning.

Mr. TRASK. I'm sorry. I'm at a disadvantage.

Mr. HOGAN. All right. That's fine.

Mr. ADAMS. Thank you very much, Mr. Trask.

Mr. FAUNTROY. Mr. Chairman, I do have a couple of questions now that I've been able to read a portion of your statement, which I wish we'd had the benefit of oral testimony on. But I'm just curious as to the factual basis for a couple of statements, which I note here, in arguing against self-government for the people of the city.

You suggest that many residents are not franchised here, but are franchised elsewhere.

Mr. TRASK. Yes, sir.

Mr. FAUNTROY. How many?

Mr. TRASK. Well, that's because a lot of them vote at home, and if they vote at home, they can't vote here.

Mr. FAUNTROY. Well, I understand that, but how many? What's the factual basis for that statement?

Mr. TRASK. Well, I mean that decreases the proper representation of the available electorate.

Mr. FAUNTROY. You made it very clear to me that you don't have the facts to substantiate that statement. You also say that this makes for a large proportion of the voting population to be represented by people who receive their support from public assistance.

Mr. TRASK. Yes, sir.

Mr. FAUNTROY. Now, what is the basis for that statement?

Mr. TRASK. Well, of course, that doesn't disqualify them from voting, but it might affect the amount of public assistance that is granted to the disadvantage of the budget.

Mr. FAUNTROY. Sir, you made two very general statements, for which you must have some specific basis. You say a larger proportion of the voting population, larger than what? What is the proportion?

Mr. TRASK. Well, that—I have nothing specific.

Mr. FAUNTROY. I thought so.

Mr. TRASK. That particular statement, it is actually a committee job and I can't say definitely about that.

Mr. FAUNTROY. Next time you come, bring your committee.

Mr. TRASK. I would have to retract the part about the larger; I just don't know about that.

Mr. FAUNTROY. Thank you, Mr. Chairman. I haven't read the rest. If I read the rest, I may ask some questions for the record after I finish reading.

Mr. LANDGREBE. If I may, I will hand the question to the witness.

Mr. TRASK. Well, I say that's a tough question, true, considering that the possibilities of adversely affecting the living conditions that we are used to like single family dwellings, we just don't want to be governed by the majority in the District. That's about the size of it.

Mr. FAUNTROY. Now, that is a factual statement. I appreciate that kind of clarity. [General laughter.]

Mr. LANDGREBE. I will read the question so Congressman Fauntroy will get the full thrust of the answer. I think without the question, you don't get the full thrust of it.

Doesn't it trouble you that you're a second-rate citizen without full right to vote for all city government officials, and we have heard the answer, so I guess we'll just let the record stand.

Mr. ADAMS. Thank you very much, Mr. Trask, for your statement. We appreciate you being with us this morning.

The next witness this morning before the committee is Mr. George W. Brady, former president of the Federation of Citizens Associations.

Mr. Brady, the committee has before it your statement. Do you wish to place it in the record, and summarize it, or how do you wish to proceed?

Mr. BRADY. Mr. Chairman, I believe it would be most effective to present our views if I run through it briefing it to a certain degree, but I would like the complete statement to be printed in the record.

Mr. ADAMS. All right. Without objection, your statement will be printed in the record in full, and you may now proceed, Mr. Brady.
 [The material referred to follows:]

PREPARED STATEMENT OF THE FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA, APRIL 9, 1973

I am George W. Brady, today representing Dr. Ellis Haworth, President of the Federation of Citizens Associations of the District of Columbia. I am a past president of the Federation (1968-1970) and am currently a member of its Executive Board and Chairman of its Fiscal Relations and Taxation Committee. Our Federation, which is in its 63rd year of service to our city, currently has a membership of twenty-five neighborhood Citizens Associations, all within the boundaries of the District.

The Federation which I represent desires to support those proposals which will make Washington the model city for the Nation, physically, economically, socially and culturally. Therefore our viewpoint in commenting on the various "Home Rule" proposals is a pragmatic one. Would the change lead to a more efficient government? Would a new city government be more responsive or better able to resist special interests? Would it be able to balance the sometimes conflicting desires of the Federal and local interests? Would our taxes be lower and our schools better? We believe *the answer to these questions is No*. We believe that an unfortunate illusion has been created and false hopes held out, especially to the disadvantaged, that "Home Rule" will solve their problems.

I would like now to present our views in a little more detail under the following four headings: Nelsen Commission Recommendations, Elected Local Government, Statehood Proposals, and Subcommittee Questions.

NELSEN COMMISSION AND D.C. GOVERNMENT EFFICIENCY

The Congress in September 1970 established the Commission on the Organization of the Government of the District of Columbia, better known as the Nelsen Commission, to make recommendations "to promote economy, efficiency, and improve service in the transaction of public business in the District. The Commission's Report which became available late last year contains many recommendations, some of which can be accomplished by administrative action by the Mayor-Commissioner and the City Council, but also a number of others which require legislative action by the Congress.

We would point out that whatever from of the government in the District, it is important that the departmental organization meet the criteria of "economy, efficiency, and improved service." With the Nelsen Commission report at hand, the *first priority* to us would be to *implement those of its recommendations* that consideration by the Mayor and City Council shows will accomplish the stated objective.

We think it is unfortunate that in the year of which recommendations of the Nelsen Commission are available, the Home Rule issue is being given higher priority. We strongly recommend that the energies of all concerned with the well-being of our city be devoted to studying and acting on the Commission's recommendations.

ELECTED LOCAL GOVERNMENT

Many of our Federation delegates who have lived in the District for many years have said that they were well satisfied with the three Commissioner form of government and saw no advantage in the Mayor-Commissioner and City Council form of government instituted in the Johnson administration.

We regard Mayor Washington as an able and conscientious executive and believe that the City Council has worked diligently, but we are very displeased at some of the things that have happened since this form of government was established.

The runaway budget situation shows no sign of leveling off even though the city's population is static. We have recommended to the Mayor and the City Council that a budget ceiling be established for the District similar to that imposed by the President on the Federal Budget. To emphasize this point the District Budget for FY 1974 is *14% higher than asked for in FY 1973*. Should not a little price control be imposed on the District Budget?

The response of the District Building to our recommendations has been minimal, and we must now look to the Senate and House Appropriations Subcommittees for relief from this larger budget and increased taxes through excessive assessments.

Now with regard to the basic question of an elected local government for the District:

1. First there is the *constitutional question as to the authority of the Congress* to delegate its responsibility to "exercise exclusive legislation in all cases whatsoever over—the seat of government of the United States." We believe that if the Congress decides that it no longer desires to be concerned with governing the Nation's Capital, *the issue should be presented to all the people of the United States by the constitutional amendment route.*

2. Our second point is that because the District is the headquarters of our national government—administrative, legislative and judicial—*Congress should not completely divest itself* of all authority and responsibility. A simple hypothetical example is the height of buildings in the federal area. Suppose an elected local government, in a desperate quest for greater tax revenues, should decide to permit 100 story office buildings on Pennsylvania Avenue or along K Street. This would violate the historical concept of Washington as a horizontal city, but if Congress had already delegated away its authority on zoning it could do nothing about it. Hence it is obvious that *Congress must retain many of its prerogatives* to protect the interests of the Federal government.

3. Our third point relates to the most recent experience with elected officials in the District, the *School Board*. First, School Superintendent, Dr. Hansen, was forced to resign, and since then we have had one acting and two supposedly permanent superintendents, and are now looking for another.

Under the elected School Board, the conditions in the *public schools have continued to worsen*, including the morale of the staff, vandalism, acts of violence toward pupils and staff, thefts of money and property, extortion of money from pupils by other pupils, and a lowering of educational achievement levels attained by the pupils. Many teachers exhibit a lack of professional concern, involving poor or no lesson preparations, poor record keeping and failure to meet classes. The contract between the Washington Teachers' Union and the Board of Education has resulted in the almost complete inability of principals to act as educational leaders in their schools.

Hence we regard this experience as a *poor omen* for an elected local government.

4. Because we have in Washington five major universities most of whose students come from out of town (FCC and WTI have primarily local student bodies) and because, under recent changes in voter qualifications, all these students, regardless of their true residence, can vote in local elections, it is quite possible or even likely that the results of an election could be distorted by temporary student voters. This has already happened in other localities.

5. Our final two points on the elected local government issue pertain to *alleged benefits*. First it is alleged that an elected Mayor-Council government would be more responsive. This we doubt. Our present appointive Mayor-Commissioner and City Council we believe are trying to be responsive through public hearings although, as we said earlier, our recent experience on our budget and assessment recommendations make us wonder whether they are really listening.

Our last comment relates to another alleged benefit, which is best described by the bumper stickers "Last Colony." Without going into the constitutional question again, I submit that this is an emotionally effective but practically spurious argument. No one is forced to live in Washington. We believe that the convenience and quality of living in the District is enough superior that most of us who live here are willing to accept the fact that we are locally disenfranchised.

STATEHOOD PROPOSALS

One type of "statehood" proposal would make the District of Columbia the 51st State, complete with governor, legislature, senators, and representatives. One version of this proposal which was discussed in last year's hearings would expand the boundaries of the District into both Virginia and Maryland, perhaps as far as the outer Beltway. However this would require approval by the two States concerned and also a Constitutional Amendment. We consider it unlikely that either Maryland or Virginia would concur in a proposal of this type in the

foreseeable future, although if some of the East Coast Megalopolis prophesies come true in another decade or so this might change. Hence because of the practical problems inherent in full statehood we will make no further comment on this type of proposal.

The second proposal which we consider under statehood would permit the District to have the same Congressional representation to which it would be entitled if it were a State, i.e., two Senators and one or more Representatives. At first glance this proposal is attractive as it would probably give the District a stronger voice in the Congress. Also it might be thought of as a step toward demonstrating that the District had the capacity for Home Rule.

The principal disadvantages which we see for partial statehood through Congressional representation are that it adds *one more layer of authority without responsibility* to running the District government, and further, that differences of opinion between the congressional delegation and the city administration could adversely affect the city.

SUBCOMMITTEE QUESTIONS

The questions raised in the Subcommittee staff memorandum are all good and make one realize that even if one were enthusiastic for home rule there are still many items on which decisions would have to be made. Our comments on some of these questions have been given in previous parts of our testimony, and in view of our rejection of the concept of an elected local government, answers to others would be redundant. However we do offer the following comments which we hope will be helpful to the Subcommittee:

1. *Transfer of Legislative Power.*—We believe that all purely municipal functions should be delegated to the District government, subject to Congressional review of those that concern the Federal interest. Congress should retain some type of review and veto power over City Council actions to comply with the Constitution.

2. *Municipality vs. State Laws.*—No comment.

3. *Number and Election of Legislators.*—No comment.

4. *Chief Executive—Elected or Appointed.*—We recommend an appointed chief executive who is responsible for the policy aspects of the city administration, and who is backed up by a professional city manager who handles the day to day business of running the city.

5. *Executive's Power.*—See comment in (4).

6. *Selection of Judges.*—We believe that D.C. Judges should be appointed by the President. The prosecutorial officials should be appointed by the District's chief executive, possibly with concurrence of the City Council.

7. *Fiscal Powers of Local Government.*—The present District government already has substantial fiscal powers, but we believe that some further transfer, such as reprogramming authority, is desirable as set out in Section VI of the Nelsen Commission Report. However we believe that Congress must continue to be responsible for setting the overall Budget ceiling for the District, and for approving the District's long term debt. Congress should also act to simplify the D.C. Budget cycle as recommended in Nelsen Commission VI-16.

8. *Federal Payment.*—The Federation has recommended in its Council and Subcommittee testimony over the last several years that the Federal payment be on a formula basis of 50% of the taxes raised locally. However, after reading the Nelsen Commission Report, we now believe that some flexibility in setting the Federal Payment is necessary in order to take care of possible emergency or special occasion needs on the one hand, and to prevent the District from taking advantage of a formula to increase its taxes and hence Federal Payment on the other. For sound fiscal planning we support Nelsen Commission recommendation VI-45 that "Congress continue to authorize the Federal Payment at least one fiscal year in advance."

9. *Additional Local Revenue Sources.*—The Federation has supported the concept of a reciprocal commuter tax as an equitable means of sharing the cost of running the District with those whose income is derived from District employment.

10. *Elective vs. Appointive.*—As previously stated we favor the appointment by the President of the Chief Executive, City Council, and D.C. Judges. The Chief Executive should appoint the City Manager, Department Heads, etc.

11. *Election Law.*—No comment.

12. *Governmental Form.*—Our first choice would be a return to the former three Commissioner form of government, including the Engineer Commissioner. Our second choice is the present appointive Mayor-Council with a reasonable balance between the authority of each. Consideration should be given to making membership on the City Council a full time job.

13. *Levels of Government.*—No comment on the first part of this question. Our previous comments answer the second part.

14. *Governmental Organization.*—We support the Nelsen Commission's recommendations that the RLA and NCHA should be a part of the District government. However we do not agree with that part of the Commission's report which proposes that the portion of the NCPC's responsibility which pertains to local planning be transferred to the District government in a new office to be titled Municipal Planning Office. It is essential, not only for efficiency, but also because federal and local interests overlap in so many places, that overall city planning authority and responsibility be kept in one place, the NCPC.

15. *Federal Interest.*—Fundamentally the Federal Interest is to make sure that the District of Columbia provides (a) a suitable environment for the conduct of all the business of government, both domestic and foreign, (b) a physical appearance in keeping with its role as the Nation's Capital, and (c) proper facilities and a congenial and safe atmosphere for its many residents and visitors.

SUMMARY

1. We believe that *Congress* should give priority attention to the implementation of the Nelsen Commission Report.

2. We believe that the present *District government* should be given the opportunity to improve itself based on the Nelsen Commission recommendations.

3. We oppose an elected local government for the District of Columbia.

STATEMENT OF GEORGE W. BRADY, PAST PRESIDENT OF THE FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

Mr. BRADY. Thank you. I am George W. Brady. Today I'm representing Dr. Ellis Haworth, president of the Federation of Citizens Associations of the District of Columbia. I'm a past president of the federation in the years 1968 to 1970, and I'm currently a member of its executive board, and chairman of its fiscal relations and taxation committee. Our federation, which is in its 63d year of service to our city, currently has a membership of 25 neighborhood citizens associations, all within the boundaries of the District.

The federation which I represent desires to support those proposals which will make Washington the model city for the nation, physically, economically, socially, and culturally. Therefore our viewpoint in commenting on the various home rule proposals is a pragmatic one.

Would the change lead to a more efficient government? Would a new city government be more responsive or better able to resist special interests? Would it be able to balance the sometimes conflicting desires of the Federal and local interests? Would our taxes be lower and our schools better?

We believe the answer to these questions is "No." We believe that an unfortunate illusion has been created and false hopes held out, especially to the disadvantaged, that home rule will solve their problems.

I would now like to present our views in some detail under the following four headings: "The Nelsen Commission Recommendations, Elected Local Government, Statehood Proposals, and Subcommittee Questions."

Under the heading of "Nelsen Commission and District of Columbia Government Efficiency," we note that the Congress established the Commission on the Organization of the Government of the District of Columbia, better known as the Nelsen Commission, to make recommendations "to promote economy, efficiency, and improved service in the transaction of public business in the District."

The Commission's report, which became available late last year, contains many recommendations, some of which can be accomplished by administrative action by the Mayor-Commissioner and the City Council, but also a number of others which require legislative action by the Congress.

We would point out that whatever form of the government exists in the District, it is important that the departmental organization meet the criteria of "economy, efficiency, and improved service." With the Nelsen Commission report at hand, the first priority from our point of view would be to implement those of its recommendations that consideration by the Mayor and City Council shows will accomplish the stated objective.

We think it is unfortunate that in the year in which recommendations of the Nelsen Commission are available, that the home rule issue is being given higher priority. We strongly recommend that the energies of all concerned with the well-being of our city be devoted to studying and acting on the Commission's recommendations.

Into our second heading of "Elected Local Government," we first comment on the feeling of many of our federation delegates who have lived in the District of many years, that they were well satisfied with the three Commissioner form of government, and particularly—I would interpolate here—that fact that one of the three Commissioners was the Engineer-Commissioner, who handled essentially the physical aspect of the city.

And we saw no advantage in this Mayor-Commissioner-City Council form of government instituted during the Johnson administration. We regard Mayor Washington as an able and conscientious executive and believe that the City Council has worked diligently, but we are very displeased with some of the things that have happened since this form of government was established.

The runaway budget situation shows no sign of leveling off even though the city's population is static. We have recommended to the Mayor and City Council in our testimony to the budget that a ceiling be established for the District similar to that imposed by the President on the Federal budget. To emphasize this point, the District budget for fiscal year 1974 is 14 percent higher than was asked for a year ago in fiscal year 1973. And we ask the question: should not a little price control be imposed on the District budget?

The response of the District Building to our recommendations has been minimal, and we must now look to the Senate and House Appropriations Subcommittees for relief from this larger budget and in the increased taxes, which are being imposed on many of our residents through excessive assessment.

Now, we have a few comments on the basic question of the elected local government. First, there is a constitutional question. I don't want to go into that other than to say that we think that the Com-

mission should consider that if they desire to institute local, elected local government, that the issue should be presented to all the people of the United States by the constitutional amendment route.

Second, because the District is the headquarters of our National Government, Congress should not completely divest itself of all authority and responsibility. And we cite, as a hypothetical example, which is of interest to all of us, which is the height of buildings in the Federal area.

And our example is that suppose an elected government, in a desperate quest for greater tax revenues, should decide to permit 100-story office buildings on Pennsylvania Avenue or along K Street. This would violate the historical concept of Washington as a horizontal city; but if Congress has already delegated away its authority on zoning, it could do nothing about it. Hence, it is obvious that Congress must retain many of its prerogatives to protect the interests of the Federal Government.

Our third point relates to the most recent experience with elected officials in the District, the School Board. First, School Superintendent, Dr. Hansen, was forced to resign. Since then, we have had one acting and two supposedly permanent superintendents, are now looking for another.

And in my next paragraph, which was supplied to me by Dr. Howard, who has had 50 years of service in the school system, including District of Columbia Teachers' College—

Mr. ADAMS. I'm sorry. I didn't get the name.

Mr. BRADY. Dr. Howard.

Mr. ADAMS. Thank you.

Mr. BRADY. Under the elected school board, the conditions in the public schools have continued to worsen, including the morale of the staff, vandalism, acts of violence toward pupils and staff, thefts of money and property, extortion of money from pupils by other pupils, and a lowering of educational achievement levels attained by the pupils.

Many teachers exhibit a lack of professional concern involving poor or no lesson preparations, poor recordkeeping and failure to meet classes. The contract between the Washington Teachers' Union and the Board of Education has resulted in almost complete inability of principals to act as educational leaders in our schools.

We therefore regard this experience with an elected school board as a poor omen for an elected local government.

Our next item is that because Washington has five major universities, not counting Federal City College and Washington Technical Institute, which have primarily local student bodies, these five universities have students, most of whom come from out of town. And because of recent changes in voter qualifications, all of these students, regardless of their true residence, can vote in local elections; we therefore think it is quite possible or even likely that the results of an election could be distorted by temporary resident student votes.

This has already happened in other localities, and I believe the most recent one occurred in Madison, Wis.

Five, our final two points on the elected local government issue pertain to alleged benefits. First it is alleged that an elected Mayor-

Council government would be more responsive. This we doubt. Our present appointive Mayor-Commissioner and City Council we believe are trying to be responsive through public hearings although, as we said earlier in our comment on the budget, our recent experience make us wonder to what degree they're really listening to us.

Our final comment on this heading relates to another alleged benefit, which is best described by bumper stickers, "Last Colony." Without going into the constitutional question again, I submit that this is an emotionally effective but practically spurious argument. No one is forced to live in Washington. We believe that the convenience and quality of living in the District is enough superior that most of us who have lived here are willing to accept the fact that we are locally disenfranchised.

I have a brief comment here on statehood proposals, but I will not read it, and we'll go on to my final section which has to do with the subcommittee questions.

I think the questions in staff memorandum, which I obtained here about 10 days ago, are all good and make one realize that even if one were enthusiastic for home rule, there are still many items in which decisions would have to be made. Our comments on some of these questions have been given in previous parts of our testimony; and in view of our rejection of the concept of an elected local government, answers to others would be redundant.

Now, we did have a few comments on some of the points. The first point has to do with the transferral of legislative power. And we think that all purely municipal functions should be delegated to the District government, subject to congressional review of those that concern the Federal interest.

Congress should retain some type of review and the veto power over City Council actions to comply with the Constitution.

On the question of an elected or appointed chief executive, we favor the appointed chief executive, with the appointment to be made by the President, who is responsible primarily for the policy aspects of the city, but who is backed up by a professional city manager who handles the day-to-day business of running the city.

On judges, we think they should be appointed by the President. And the prosecutorial officials, on which there was a question in your staff questions, should be appointed by the District's chief executive possibly with the concurrence of the city council.

On fiscal powers of the local government, the present District government already has substantial fiscal powers, but we believe some further transfer, such as reprogramming authority, is desirable as set out in section VI of the Nelsen Commission Report.

However, we believe that Congress should just continue to be responsible for setting the overall budget ceiling for the District, and for approving the District's long-term debt. And I would just like to interpolate there that the fact that it is estimated in the current budget documents, that the Mayor's office put out, that that will increase to \$40 million a year, that is the debt service cost to \$80 million. And there are some terribly large deficits coming up in the police and fire retirement programs, which are just funded on a year-to-year basis, and I think also in the teachers' retirement program.

On the question of Federal payment, we have recommended before council and congressional committees for the last several years, that Federal payments should be on a formula basis. However, after reading the Nelsen Commission Report, we now believe that some flexibility in setting the Federal payment is necessary in order to take care of possible emergency or special occasion needs on the one hand, and to prevent the District from taking advantage of the formula to increase its taxes and hence Federal payment on the other.

And we add one other comment into this heading. For sound fiscal planning, we support the Nelsen Commission recommendation No. VI-45 that "Congress continue to authorize the Federal payment at least 1 fiscal year in advance."

On additional local revenue sources, we have supported and we continue to support the concept of the reciprocal commuter tax.

On elective versus appointive, as we said earlier, we favor appointment by the President of the chief executive, whether he be called Mayor, Commissioner or Mayor-Commissioner, the City Council and the District of Columbia judges. And that the chief executive himself should appoint the city manager, department heads, et cetera.

On the question of governmental form, our first choice would be a return to the former three-Commissioner form of government, including the Engineer Commissioner. Our second choice is the present, appointive Mayor-Council with a reasonable balance between the authority of each. Consideration should be given, I think, to make a membership on that city council a full time job.

On governmental organization, we support the Nelsen Commission's recommendations that the Redevelopment Land Agency and the National Capital Housing Authority should be part of the District government. However, we do not agree with that part of the Commission's report which proposes that the portion of the NCPC's responsibility which pertains to local planning be transferred to the District government in a new office to be titled municipal planning office. It is essential, in our opinion, not only for efficiency, but also because Federal and local interests overlap in so many places, that overall city planning authority and planning responsibility be kept in one place, which we think should be the National Capital Planning Commission.

And we have tried our hand at developing the Federal interest, that your staff questions brought out. And we say this, that fundamentally the Federal interest is to make sure that the District of Columbia provides: first, a suitable environment for all the conduct of all the business of the Government, both domestic and foreign; second, that the city should have a physical appearance in keeping with its role as the Nation's Capital; and third, that the proper facilities and a congenial and safe atmosphere for its many residents and visitors be provided.

And in summing up our statement, we say first we believe that Congress should give priority attention to those aspects of the Nelsen Commission Report which require legislative action; and second, we believe that the present District government should be given the opportunity to improve itself—as they've already started to do—based on the Nelsen Commission's recommendations; and thirdly, we oppose any elective local government for the District of Columbia.

That completes my statement, Mr. Chairman.

Mr. ADAMS. Fine. Thank you very much, Mr. Brady, for your statement.

Mr. Fauntroy?

Mr. FAUNTROY. Mr. Brady, I simply want to commend you on two counts: one for the very thorough fashion in which you have addressed the specific issues that the committee requested witnesses to address; and secondly, I commend you for having the courage to read your statement.

It is a very revealing commentary on the state of mind of those whom you represent, and I guess my only question is an assessment on your part of the extent to which the people of this city agree with what you have outlined as being the position of the Federation of Citizens' Associations.

How many citizens do you represent, do you think?

Mr. BRADY. I know that question was asked by you last year of our then president, and I do not have an exact figure. But I know the Spring Valley-Wesley Heights Association, that I represent, has 600 families; multiply that by two, it's 1,200.

Georgetown Citizens Association has about 1,500. And I think if we added up the total we represented, it would come to something between 5,000 and 8,000.

Mr. FAUNTROY. I see.

You would think that the majority of the people of the city, however, would not be in agreement with your statement about—

Mr. BRADY. I do not know, Mr. Fauntroy.

Mr. FAUNTROY. I didn't ask if you knew. Do you think that the majority of the people—

Mr. BRADY. I would rather not comment on that. I have read your testimony, and I know that you have held public hearings, and I assume that you can answer that question much better than I.

Mr. FAUNTROY. Yes; I will answer the question. The majority of the people, I'm sure, don't agree with this statement.

Mr. BRADY. Does that necessarily make it wrong?

Mr. FAUNTROY. No; it doesn't make it wrong, but I was about to ask you the question whether or not you agreed with rule by the majority.

Mr. BRADY. Well, I think that's reasonable. If it's an informed majority, yes, sir.

Mr. FAUNTROY. Yes.

You made in your statement the fact that no one who lives in the District of Columbia has to live here. That they have a choice to move out.

And Mr. Trask, before you, suggested that he was not in favor of majority rule, and I just thought maybe—I know of some places where small minorities do rule, and should we get self-government, I hope that you would consider staying and trying out a democratic government.

Otherwise, I am aware of certain nations in South Africa, for example, that do have informed minorities ruling over majorities. And maybe that's a better place to live.

Thank you, Mr. Chairman.

Mr. ADAMS. Mr. Landgrebe?

Mr. LANDGREBE. Mr. Brady, we might just as well get down to some of the facts of life here. It is obvious that you and the former speaker expressed less than a great deal of confidence in the majority of this city.

Now, are your suspicions and your fears founded on the color of peoples' skin?

Mr. BRADY. No, sir.

Mr. LANDGREBE. Well, then, what is the problem? What makes you think the majority of the citizens of this city would not necessarily, once they get control of city hall, would not necessarily make life— increase the quality of life for the people generally of this community?

Mr. BRADY. Well, as I said in the beginning, our view is a pragmatic one. We asked the questions, will a change of this sort help our city? We do not think so.

I might just quote one other point. As we know, this is somewhat of an emotional issue, and maybe color does enter into it to some degree. I think it probably does, but we know sometimes emotion will carry away the situations.

And may I quote the Equal Rights Amendments as one? Congress passed that by a large majority to institute through the congressional amendment route—I think it's No. 27—that we should have equal rights for men and women in this country. But as we have seen, further consideration of something of that sort indicates that it is not agreed to by many of the people and in many of the legislatures of our States in this country.

Mr. LANDGREBE. In other words, emotionalism can affect a majority, a higher number of people, as well as a smaller number?

Mr. BRADY. Yes, sir.

Mr. LANDGREBE. You represent 15,000 people, you say about. What percentage of those 15,000 would be homeowners would you guess?

Mr. BRADY. I'm sure the majority are.

Mr. LANDGREBE. Property owners in the District?

Mr. BRADY. Yes.

Mr. LANDGREBE. How many people in this city who would have an equal right to vote with people, same as you homeowners and so forth, how many people are on welfare in this city? Do you know about?

Mr. BRADY. Let me see if I understand your question. How many in our membership are—

Mr. LANDGREBE. No; about how many people in the city, regardless of color, how many people in this city are on welfare, or are receiving welfare payments of some kind?

Mr. BRADY. It's my recollection that something like 100,000, or one-seventh of the population of this city—now, I'm not sure whether that includes the families of the recipients.

Mr. LANDGREBE. I don't believe I have any more questions, thank you.

Mr. ADAMS. Mr. Symms?

Mr. SYMMS. No questions, Mr. Chairman.

Mr. ADAMS. Do you have any question you want to ask?

Mr. DEPUY. No questions.

Mr. ADAMS. Do you have any questions, Mr. Hogan?

Mr. HOGAN. Just one, Mr. Chairman.

You indicated in your statement here that—I believe you feel that there is a possibility of segregating out the local and Federal planning interests so there can be a transfer of local authority. Is that correct?

Mr. BRADY. Insofar as the municipal functions are concerned with the reservation, as I commented on the city planning portion, and may I say on that before we established our position on that, I consulted with Mr. Harland Bartholamew, who is a leading city planner of the Nation, one of the planners.

He lives in St. Louis, now. He was Chairman of the National Capital Planning Commission during the Eisenhower administration.

We wrote to him, and he replied saying that in his view you cannot divide a municipal planning organization or function between two organizations and not have it be successful. And I would be glad to supply you with a copy of his letter to me if you would so like.

Mr. ADAMS. Mr. Hogan, do you want such a letter?

Mr. HOGAN. Is this—in other words, you're saying he's taking a position contrary to the recommendations of the Nelsen Commission. Is that right?

Mr. BRADY. Insofar as a splitup of the National Capital Planning Commission's function to local and Federal, because we don't think it is practical.

Mr. HOGAN. Mr. Chairman, it might be well for you to send a copy of that to Mr. Nelsen, Congressman Nelsen.

Mr. ADAMS. If you would please supply a copy of it for the record, we would appreciate it. It will be entered in the record at this point, and copies will be made available to counsel.

Mr. BRADY. I'll be glad to do so.

[The information referred to follows:]

HARLAND BARTHOLOMEW,
St. Louis, Mo., November 19, 1973.

DEAR GEORGE: Thank you for your letter of Nov. 15, and for the copy of the Report of the Commission on the District of Columbia.

I have examined this Report. It is my opinion that it does not provide for the adoption of an Official Comprehensive Plan, and for appropriate procedure and enforcement.

In 1925 an extremely capable and representative Committee appointed by the Secretary of Commerce (Herbert Hoover) prepared a "Standard City Planning Enabling Act," which was published by the Department of Commerce for the purpose of helping cities to follow a sound procedure in preparing, adopting and implementing an Official City Plan. This publication is extremely valuable because of its many annotations explaining the whys and wherefores of important provisions of this Standard Act. You could probably obtain a copy from the Public Library. It has long been out of publication and copies can no longer be found.

Several years later the Model Municipal Charter was rewritten and the provisions of the Standard Act were incorporated.

There is no other adequate standard or model to my knowledge at this time.

The proposal of the Commission on Organization is inadequate in several ways:

1. It fails to provide for adoption of an Official Plan, with specific provisions for procedure.

2. It provides for a Municipal Planning Office under the Mayor to which "comprehensive municipal planning now vested in the NCPC" would be transferred. Who would adopt, maintain and implement an Official City Plan? To assume that this could be done by one official as head of a Municipal Planning Office is totally erroneous and unrealistic.

3. Either there is an official City Plan which is respected and followed, or growth is not directed. Only a City Plan Commission composed of truly well qualified citizens *and* public officials responsible for municipal functions affected by the Plan will have proper public respect and acceptance. The powers and duties of the NCPC should be more fully defined and strengthened as provided in the Standard City Planning Enabling Act, not weakened, or placed in the hands of any individual.

4. Zoning is an integral part of an Official City Plan. There should be no Zoning Commission. This is a throwback to the days when cities were hastening to adopt zoning ordinances before there were any official City Plans. Cincinnati has an official City Plan of which zoning is a part and all zoning matters are handled in the same manner as other parts of the city's plan.

5. "The Municipal Planning Office would relate the social and economic needs of the city to physical planning—" This could be done far better by a City Plan Commission, and more particularly if there were a well qualified sociologist and an economist as a member of the Plan Commission. To say that social and economic needs have been ignored by city plan commissions is modern propaganda by a few misguided enthusiasts. Every public work has some social or economic significance, or both. A well developed park will enhance land values in its vicinity and will have social value to people who use it.

6. "In general, responsibility for planning for the District of Columbia and District property and facilities outside its borders would rest with the Municipal Planning Office." This sentence emphasizes the misconception of the proposal of the Commission on Organization (or whoever is responsible for this whole proposal). The term "planning" as used in this sentence quoted above, and elsewhere in the Report, means exercise of authority by some individual without any reference whatsoever to an Official City Plan. It could be an invitation to skullduggery.

7. The development and growth of a city should be a consistent long range undertaking, not subject to change with each turnover of public officials at elections every few years. Only by a Commission with members whose terms overlap, will there be a steady, firm adherence to a plan. As time goes by some changes will be necessary, but frequent change and turnover by changing administrators soon produces a haphazard procedure.

8. The idea of a "Municipal Planning Office" and abolishment of a City Plan Commission is a hobby of certain City Managers who want personal control unhampered by any Plan Commission.

Hastily and sincerely,

HARLAND.

FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 1972.

WHEREAS: The Report of the Commission on the Organization of the Government of the District of Columbia ("Nelsen Commission") recommends that a Municipal Planning Office be established in the Office of the Mayor-Commissioner, and

WHEREAS: The Nelsen Commission also recommends that those parts of the planning functions of the National Capital Planning Commission which pertain to municipal as opposed to Federal interests be transferred from the NCPC to the proposed Municipal Planning Office, and

WHEREAS: The Nelsen Commission also recommends that the Zoning Commission of the District of Columbia be abolished and its authority and functions transferred to the proposed Municipal Planning Office and the District of Columbia Council, and

WHEREAS: There is no provision in the Nelsen Commission Report for the establishment and supervision of enforcement of a Comprehensive Plan for the District of Columbia, and

WHEREAS: The distinction between "Federal" and "local" planning functions is wholly artificial and unsuited to the unique nature of the District of Columbia as the national capital, and

WHEREAS: The recommendation for a division of authority between the NCPC and the proposed Municipal Planning Office appears to violate good management practice in that it would result in further fragmentation of authority over planning, decision-making and policy execution among federal and local bodies, and

WHEREAS: The Federation has consulted a former Chairman of the NCPC who is also an outstanding pioneer city planner in this matter and he has advised that the proposed change in planning "fails to provide for the adoption of an Official City Plan, with specific provisions for procedure," and further that:

"Either there is an official City Plan which is respected and followed, or growth is not directed. Only a City Plan Commission composed of truly well qualified citizens *and* public officials responsible for municipal functions affected by the Plan will have proper respect and acceptance. The powers and duties of the NCPC should be more fully defined and strengthened as provided in the Standard City Planning Enabling Act, not weakened, or placed in the hands of any individual.

"The development and growth of a city should be a consistent long range undertaking, not subject to change with each turnover of public officials every few years. Only by a [City Plan] Commission with members whose terms overlap will there be steady, firm adherence to a Plan. As time goes by some changes will be necessary. But frequent change and turnover by changing administrators soon produces a haphazard procedure."

NOW THEREFORE, The Federation of Citizens Associations of the District of Columbia at its meeting of December 14, 1972 hereby resolves that:

1. The Federation asserts that all planning for the District of Columbia should be centered in a single agency which is organized to provide continuity of policy regardless of changes in the District of Columbia administration.

2. The Federation opposes the proposal for a Municipal Planning Office in the Office of the Mayor-Commissioner and the transfer to such new Office of the municipal planning functions of the NCPC.

3. The Federation recommends that the responsibility of the National Capital Planning Commission be enlarged and its authority strengthened, and that the Chairman of the District of Columbia City Council and at least two additional citizen representatives who are residents of the District of Columbia be added to the membership of the NCPC.

4. The Federation recommends that the preparation of the Comprehensive Plan for the District of Columbia should remain the responsibility of the NCPC and that the adequacy of the NCPC staff be reviewed to ensure that such plan and any changes thereto can be prepared and issued on a timely basis and with provision for citizen participation. The Federation further recommends that procedures for approval of the Comprehensive Plan and any changes in the plan also be reviewed to assure that adequate coordination with the Mayor-Commissioner and the Chairman of the D.C. City Council has been accomplished prior to the final approval of the Plan.

5. Copies of this resolution be sent to the following: the President, Chairmen of the Senate and House District Committees, Chairmen of the Senate and House Appropriations Committees and of the D.C. Appropriations Subcommittees, the Chairman of the Commission on the Organization of the Government of the District of Columbia, the Mayor-Commissioner, the Chairman and Vice-Chairman of the D.C. City Council, and the Chairman and Executive Director of the National Capital Planning Commission.

Mr. ADAMS. Mr. Symms?

Mr. SYMMS. I would like to ask a question, Mr. Chairman. There are two or three bills before the House, which in general terms deal with retrocession. What is your feeling and attitude on that?

Mr. BRADY. We have talked about that. I think we feel that it won't accomplish very much. I've talked to a Marylander just yesterday, and he did not seem very enthusiastic about having the non-Federal part of the city retroceded to his State.

But we have not taken a positive position on it as I recall.

Mr. SYMMS. You don't recommend it then?

Mr. BRADY. That is right.

Mr. SYMMS. That's all, Mr. Chairman. Thank you.

Mr. ADAMS. Thank you, Mr. Brady, very much for your statement. We appreciate very much receiving it.

Mr. BRADY. Thank you.

Mr. ADAMS. Our next witness this morning is Mr. Arturo Griffiths, director of the Washington Ghetto Industrial Improvement and Investment Corporation Foundation.

Mr. Griffiths?

Mr. GRIFFITHS. Thank you.

[The prepared statement of Mr. Arturo Griffiths follows:]

PREPARED STATEMENT OF ARTURO GRIFFITHS, DIRECTOR OF THE WASHINGTON Ghetto INDUSTRIAL DEVELOPMENT AND INVESTMENT CORP. INC.

Mr. Chairman, the selected issues, problems and guidelines for this testimony appears to me that if this testimony if adhered to, there would have to be a booklet written on each selected issue and problem. So please bear with humble people like myself and my organization as to our lack of financial capability.

Our outline would only take into consideration what we would define as basic topics.

It is discomfoting to me when I hear the constant cry for home rule, by politicians. As a very humble Ghetto boy I find that in the community of Washington, D.C., there is no home rule aspirations. The guy from humble circumstances says with one voice "Rule What?", there is nothing to rule. The Ghetto Economist says, if this was an industrial area, then there would have to be another thought. This constant political maneuver to have a few jobs for a few Blacks is for the birds. Up to this moment there has not been an outline to this community indicating the feasibility of home rule. Our Ghetto Citizen or the poor are still wondering why "home rule". No home rule hearing has not attracted any substantial groups. I can assure you that if the citizenry of Washington, D.C. was interested in home rule, we would have droves of D.C. Blacks and poor, urging the Government to pass the Home Rule Act. In the worst times when depression was predominant, this community enjoyed better budgeting than any community in the United States. This happens to be the capital of the Nation and I do not think that there is a Congressman who would want to deteriorate this community. There are other forms of self government, such as an elected Mayor, an elected Councilman and an elected Police Chief. We have an elected School Board, and it is unfortunate the way the school board is handled. (The aspirations of this community is earnings. Through observations and evaluations, it is our belief that with our communities interest at heart, there should be no mis-interpretation of an approach to self government for the District of Columbia, which we have tried to outline in the foregoing statement.

STATEMENT OF ARTURO GRIFFITHS, DIRECTOR OF THE WASHINGTON Ghetto INDUSTRIAL DEVELOPMENT & INVESTMENT CORP., INC.

Mr. GRIFFITHS. Mr. Chairman and colleagues, also visitors visiting this hearing today. I would like to emphasize that frank discussions are important to me, and we cannot masquerade any more than 700 poor people in this community lack existence in a State.

I happen to be an economist, and statistics have a lot to do with my discussion. I don't play partialities in any form. I am impartial in everything that I say and do.

One of the reasons that I am impartial is that I've found that we live in a country that has to assume an impartial attitude in order to make it a better country. So, Mr. Chairman, the selected issues that you have put before us, and problems and guidelines for this testimony, it appears to me that this testimony, if adhered to, it would be a booklet written on each selected issue and problem.

So I am asking you to bear with humble people like myself and my organization as to our lack of financial capability. Our outline would

only take into consideration what we would define as the basic topic.

It is comforting to me when I hear the constant cry for home rule by politicians. As a very humble ghetto boy, I found that in the community of Washington, D.C., there is no home rule aspiration. The guy from humble circumstances says with one voice, rule what? That is nothing to rule.

The ghetto economist says, if this was an industrial area, then there would have to be another thought. This constant political maneuver to have a few jobs for a few blacks is for the birds.

Up to this moment, there has not been an outline in this community indicating a feasibility of home rule. Our ghetto citizens or the poor are still wondering why home rule.

No home rule hearing has attracted any substantial groups. I can assure you that if the citizenry of Washington, D.C. was interested in home rule, we would have droves of District of Columbia blacks and poor, using the Government to pass the Home Rule Act.

In the worst times when depression was predominant, this community enjoyed better budgeting than any community in the United States. This happens to be the Capital of the Nation, and I do think there is not a Congressman who would want to deteriorate this community.

There are other forms of self-government, such as an elected Mayor, an elected Councilman and an elected Police Chief. We have an elected School Board, and it is unfortunate the way the School Board is handled. The aspirations of this community is earnings.

Through observations and evaluations, it is our belief that with our community's interest at heart, there should be no misinterpretation of an approach to self-government for the District of Columbia, which we have tried to outline in the foregoing statement.

Mr. ADAMS. Thank you very much for your statement.

Mr. FAUNTROY?

Mr. FAUNTROY. No questions, Mr. Chairman.

Mr. ADAMS. Mr. Landgrebe?

Mr. LANDGREBE. Mr. Griffiths?

Mr. GRIFFITHS. Yes, sir.

Mr. LANDGREBE. I appreciate your statement a great deal. I really do.

Mr. GRIFFITHS. Thank you.

Mr. LANDGREBE. I think that you have placed in the record a very important statement of the people of this community, and I have nothing to argue. I have nothing to question you. I think your statement—of course it is simply, simple words, simple language.

I agree with you this is our Nation's Capital. It is our Capital City. It belongs to the people of this Nation, and certainly I am one Congressman who is not here to withhold freedom from people. But after all, I represent the people from Indiana.

This is our Capital City. I want this Capital City to be the finest Capital City in the world. I want the people here to be happy, prosperous, proud Americans and that's what I'm going to dedicate myself to regardless of which way these hearings go.

Thank you for your statement.

Mr. GRIFFITHS. May I say a word, Mr. Landgrebe?

Mr. ADAMS. Mr. Griffiths?

Mr. GRIFFITHS. I happen to be a liver in this community. I don't speak it. I don't happen to be a—have any political ambitions. My only ambition is to see our children go forward, our community and our children go forward.

Now, it's not been proven to me in any form that on the present facilities that our children are going to—our community has been more deteriorating, because I don't just talk; I live in it. I have to live in very humble circumstances, the most humblest in the community; sometimes no food, no wearing apparel, nothing of this kind.

And I just don't talk it, because I live in the community where most people get up and say good morning, and I know their problems.

Mr. LANDGREBE. I will respond on the education. I've seen some of the schools in this community. The enrollments have dropped: The school people are in here for lots more money. And it's another example of throwing money against a problem doesn't solve it.

And the school problems of this city ought to be of concern and interest to every Member of the U.S. Congress. If we are going to be up here in these ivory towers while the schools of this city just fall apart, certainly we are not doing jobs as Members of the U.S. Congress.

Thank you very much.

Mr. ADAMS. Thank you, Mr. Landgrebe.

Mr. Symms?

Mr. SYMMS. Thank you, Mr. Chairman.

I take it that what you are saying is that employment is the biggest problem in the city?

Mr. GRIFFITHS. Income, income is the problem here not employment particularly, but ownership of businesses. The whole economic generating concept has to be established. That is more important than 10 home rules put together.

We happen to be a good 70 percent of this community, and earnings that we would have would be a credit to our community. Once we use it within our community, honestly to make our brothers and sisters have a better livelihood—that's the only approach. Earnings is the big item.

I think I should be very glad to know that the capability of Congressmen coming from other areas on committees of this kind would in their minds be helpful, rather than to hurt, to show that the Nation's Capital—and talents are something you don't buy every day.

You just have to buy it. It doesn't go on emotions. To be able to implement it is an important aspect, do you understand, because I don't believe in buying talent; I believe if you have it, you have it. If you don't have it, get out.

You understand? That's the only way I think. So talent is what we want. And in a lot of cases, we have people who have had organizations here, you understand, and when they want the talents, they went out of the community and there's a similar approach, to get somebody out of the community that will bring the talents to Washington, D.C.

So that's what we are actually doing today. In the District government, we have several people that came from Alabama, Ga. Why can't we have Congressmen who would have the Government's interest at heart?

It doesn't make sense because I feel that regardless of what the concepts of discrimination and racial difficulties, there is no Congressmen, I think, that would want to deteriorate the city of Washington, D.C., under no circumstances, for what?

This is the Nation's Capital and the showplace of the world. Everybody comes here to get that concept over. Everybody wants to see what Washington, D.C. is, and there is no room for emotions.

Mr. SYMMS. Thank you for your statement. Thank you, Mr. Chairman.

Mr. ADAMS. Thank you very much, Mr. Griffiths.

Mr. GRIFFITHS. Thank you.

Mr. ADAMS. The subcommittee will stand adjourned until it reconvenes tomorrow, April 10, at 2 p.m. in this room, 345 Cannon, and the first witness scheduled is Mr. Tom Fletcher.

The committee will stand at recess until tomorrow at 2 p.m.

[Whereupon, at 11:10 a.m., the hearing in the above-entitled matter was recessed to reconvene at 2 p.m., April 10, 1973, in room 345 of the Cannon Office Building.]

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA, AND REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

TUESDAY, APRIL 10, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS,
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room 345 Cannon House Office Building, the Honorable Brook Adams presiding.

Present: Representative Adams [presiding], Delegate Fauntroy, Representative Landgrebe.

Also present: John Hogan, minority counsel to full committee; Jacques DePuy, counsel to the subcommittee; and Anne Darneille, subcommittee staff.

Mr. ADAMS. The subcommittee will come to order. I apologize for the lateness of the starting of the meeting. We are having a series of votes. I think they are terminated now, so that we can proceed with the meeting.

We will start now, even though some of the other members may still be voting, and will be coming back soon.

Our first witness today—and this is continuation of the hearings of the Subcommittee on Reorganization of the Government of the District of Columbia, and our first witness is the Honorable Thomas Fletcher, president of the National Training and Development Services, and former Deputy Mayor of the District of Columbia.

Mr. Fletcher, the committee wants to welcome you. Many of us have known of your work, your record in Washington, D.C., as Deputy Mayor, and we are looking forward to hearing your testimony and in having an opportunity to question you regarding how we should proceed with the government.

Mr. Fletcher?

[The prepared statement of the Honorable Thomas Fletcher follows:]

PREPARED STATEMENT BY THOMAS W. FLETCHER

Mr. Chairman and members of the Government Operations Subcommittee. I am Tom Fletcher, President, National Training and Development Service, and formerly Deputy Mayor of the District of Columbia. It is not my intent to repeat or go over prior testimony this subcommittee has already received. I have read the testimony the Metropolitan Coalition of Self Determination for DC and, in general, associate myself with that testimony. My purpose here today is rather to emphasize certain points and to make myself available for any questions the committee may have.

1. I believe one point that has not been adequately emphasized has been that there has been more than just the rightful desire for self determination which should motivate Congress' action to give the District home rule. With elected officials and the authority for self determination, the District Government will finally become responsible and responsive to the needs of this community. With a constituency for the first time, the elected leaders of this city will not only have the legal right of decision making but the political incentive as well and will no longer be able to put responsibility on the shoulders of Congress. Let me hasten to say that I think the appointed leadership of this city have been extraordinarily successful in their response to this city even though they have been under difficult restraints in the decision making process. But it has always been a temptation to shift responsibility to Congress because, in actual fact, that's where much of the responsibility must lie.

This is particularly true in relation to financial responsibility both in budget preparation and revenue proposals. It is always easier to let Congress shoulder the burden for the adoption or elimination of programs and taxing measures. However, in any true sense of government, this sense of responsibility should be shouldered entirely by elected representatives who must face their constituencies.

Because of this constituency control, I feel little concern for the fears that some have expressed that home rule would lead to irrational, irresponsible acts of government. I believe it is also almost needless to point out the Congress of the United States has far more important matters to deal with than the flying of kites on the Mall and the charges assessed at the District's Dog Pound.

2. Questions have also been raised by this Committee relative to the form of government and suggestions have been made that consideration be given to a bicameral form of government or that the Congress retain state functions and delegate only to the District those matters which are local in nature.

I have two very strong feelings on this subject. One is that the proposed form of government of the District must be as simple and direct as possible in order to eliminate as much decision making bureaucracy as possible. In this day and age, flexible and quick decisions are often the lines that separate responsiveness and chaos.

Secondly, although we all recognize that the District is unique, that it combines the historic roles of state, county and city governments, however, it is this uniqueness which should be retained in order to provide the best possible level of coordinated delivery of service to the District constituency. To in any way separate these authorities would create in the District the same sorts of problems which are plaguing this country because of the divisions of responsibility between the various levels of government.

3. Questions have been frequently raised about the protection of the Federal interests in the District and although I understand and respect the reason for those questions, I would also point out that those same federal interests are of primary concern to those who live here. It is their city, their monuments, their principal source of income, and, above all, their source of pride. One cannot divide their interests between local and Federal. They are inextricably intertwined.

But needless to say, all of us recognize that regardless of the ultimate form of home rule, the Congress of the United States still will retain, constitutionally, the right to alter or eliminate that form of government. It is my honest belief that the recognition of this ultimate authority and responsibility will act as a restraint on any actions which might, in fact, be detrimental to the Federal interests here.

4. The District has waited long and remarkably patiently and it is my sincere belief that the time for home rule has now arrived and that the last colony in the United States should properly be raised to the status of total democracy.

STATEMENT OF HON. THOMAS FLETCHER, PRESIDENT, NATIONAL TRAINING AND DEVELOPMENT SERVICES, FORMER DEPUTY MAYOR OF THE DISTRICT OF COLUMBIA

Mr. FLETCHER. Thank you, Mr. Chairman, and members of the committee. I have a prepared testimony which I have furnished which is very short. If you wish, I can read it in about 5 minutes.

Would you prefer I do that?

Mr. ADAMS. Whichever way you would like to proceed, but it is a short statement. Why don't you proceed with reading it, and then we can question you on that.

Mr. FLETCHER. Mr. Chairman and members of the Government Operations Subcommittee, it is not my intention to repeat or go over prior testimony the subcommittee has already received. I read the testimony of the Metropolitan Coalition of Self-Determination for District of Columbia and in general, associate myself with that testimony.

My purpose here today is rather to emphasize certain points and to make myself available for any questions the committee may have.

I believe one point that has not been adequately emphasized has been that there has been more than just the rightful desire for self-determination which should motivate Congress action to give the District home rule. With elected officials and the authority for self-determination, the District government will finally become responsible and responsive to the needs of this community.

With a constituency for the first time, the elected leaders of the city will not only have the legal right of decisionmaking but the political incentive as well and will no longer be able to put responsibility on the shoulders of Congress.

Let me hasten to say that I think the appointed leadership of this city has been extraordinarily successful in their response of this city even though they have been under difficult restraints in the decision-making process. But it has always been a temptation to shift responsibility to Congress because, in actual fact, that is where much of the responsibility must lie.

This is particularly true in relation to financial responsibility both in budget preparation and revenue proposals. It is always easier to let Congress shoulder the burden for the adoption or elimination of programs and taxing measures. However, in any true sense of government, this sense of responsibility should be shouldered entirely by elected representatives who must face their constituencies.

Because of this constituency control, I feel little concern for the fears that some have expressed that home rule would lead to irrational, irresponsible acts of government. I believe it is also almost needless to point out the Congress of the United States has far more important matters to deal with than the flying of kites on the Mall and the charges assessed at the District's Dog Pound.

The second point I wish to make, questions have also been raised by this committee relative to the form of government and suggestions have been made that consideration be given to a bicameral form of government or that the Congress retain State functions and delegate only to the District those matters which are local in nature.

I have two very strong feelings on this subject. One is that the proposed form of government of the District must be as simple and direct as possible, in order to eliminate as much decisionmaking bureaucracy as possible. In this day and age, flexible and quick decisions are often the lines that separate responsiveness and chaos.

Second, although we all recognize that the District is unique, that it combines the historic roles of State, county, and city governments, however it is this uniqueness which should be retained in order to

provide the best possible level of coordinated delivery of service to the District constituency. To in any way separate these authorities would create in the District the same sorts of problems which are plaguing this country because of the divisions of responsibility between the various levels of government.

The third point, questions have been frequently raised about the protection of the Federal interests in the District and although I understand and respect the reasons for these questions, I would also point out that these same Federal interests are of primary concern to those who live here.

It is their city, their monuments, their principal source of income, and above all, their source of pride. One cannot divide their interests between local and Federal. They are inextricably intertwined.

But needless to say, all of us recognize that regardless of the ultimate form of home rule, the Congress of the United States still will retain, constitutionally, the right to alter or eliminate that form of government.

It is my honest belief that the recognition of this ultimate authority and responsibility will act as a restraint on any actions which might in fact be detrimental to the Federal interests here.

Final point, the District has waited long and remarkably patiently and it is my sincere belief that the time for home rule has now arrived and that the last colony in the United States should properly be raised to the status of total democracy.

Mr. ADAMS. Thank you, Mr. Fletcher. That was an excellent statement.

Mr. Fauntroy?

Mr. FAUNTROY. Mr. Fletcher, let me also commend you for just an excellent statement, and coming from one who has had the responsibility of helping to govern this city under the present system, you can believe me that we on the committee take it very seriously.

I am particularly pleased at the manner in which you handled the question of accountability for elected officials, and particularly the Federal interest question, which many of us have been finding difficult to separate out, and noting that the retention by the Congress of ultimate authority is perhaps the best means by which we can define, from time to time, what the Federal interests and the judgment of Congress is. During the course of previous testimony we have dealt with the question of how the Federal payment should be made available to the city for providing the services required, and both the self determination for the District of Columbia and the City Council have given us a start in thinking in these terms, and I wondered if you would have any thoughts on how to arrive at the Federal formula that would be made available to the city?

Mr. FLETCHER. Yes, sir.

I would associate myself very closely with the testimony received from Mr. Jim DuVal on that point. If you will recall, his testimony indicated that there should be a floor of the Federal payment as it now exists, and that that should increase as a direct relationship to the locally generated income of the District, and then be reassessed in terms of that formula at the end of a 5-year period.

One of the things that I might point out that Mr. DuVal did not mention, and I think it is a very important point, however to remem-

ber, and that is that in periods of inflation which we have now and have had for some time, even if no additional programs or services or employees are added to the District, the cost of government would continue to escalate, both in terms of salary, cost of services, and material.

When that happens, there is in fact to some extent a built in increase to the District itself, through primarily sales tax and income tax. As you know, the property tax does not go up as fast. It is not as responsive to inflation. Sales tax and income tax are directly related to an inflationary period.

Now, when you do this, I think there ought to be an inflationary factor built in to the Federal payment, and Mr. DuVal's proposal takes care of that.

Then I think he also very wisely indicates that that should not go on forever. I think that shows judgement on his part, that the Congress ought to look at that formula at the end of 5 years, to see what happened.

I know there is other questions that have been raised relative to sources of revenue. I think these can be taken care of in the way in which you draft the legislature on home rule.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. ADAMS. Mr. Fletcher, with regard to the Federal payment following it one step further, we had the basic problem throughout the entire Federal Government, in fact, involved in it right now—the Federal Government must appropriate funds whenever they are going to be taken from the Treasury each year, or there must be a contract, or there must be a system whereby money is transferred.

Do you have any specific recommendation as to how this should best be set up, using an authorization committee or the Appropriations Committee, or a joint committee of some type? I am just talking now about the direct, fiscal problems of funds moving from the Federal Government to the District.

Mr. FLETCHER. Yes, sir.

My opinion on that would be you should adopt a formula which is automatic. On that basis, you would not in fact, as I would understand it, have to come back to any Committee of Congress. One of the problems is that one of the difficulties of the District government is that presently, if it might be, if in fact they still had to come before some Committee of Congress relative to that Federal payment, and then in fact again subject the District to full scrutiny of their budget, is that they find great difficulty in the District Government of trying to put a budget together, not knowing ahead of time what—how much money they are actually going to have available to them.

Mr. ADAMS. Suppose we do as is done with certain highway and airport and other funds.

We have an authorization by means of contract, where the Government of the United States would contract with the government of the District of Columbia for a period of time, be it 2 years or 3 years.

Most of our bills here run 2 or 3 years, and then, prior to the end of that period, there is a process whereby the two parties, the District government and the Federal Government, agree on either another contract or an extension of a period of time.

If we were to get into some arrangement such as that about how long a leadtime do you think the District government needs to have in order to make its program?

Mr. FLETCHER. Two years, Mr. Congressman. The budgeting process of the District is a 2-year period.

Mr. ADAMS. So that if you had some arrangement like this, because I think the—as I remember the Nelsen Commission report recommends that we start with where we are and then look to future needs, which would be justified, if we were to establish a point in time in a contract for that period, it would take—well, it would be necessary for the District to function well, that we would have to start either with an authorizing committee or an appropriations committee, and I agree with you that we should try to avoid as many steps as possible, 2 years in advance for it to match into the budgetmaking process of the District.

Mr. FLETCHER. That is correct, sir. It takes that much time before you actually have a budget adopted and in operation, so they should know 2 years ahead of time what to expect in terms of their income.

Mr. ADAMS. Now, you mentioned in here that there is the congressional control established by the Constitution, a requirement of what they should do.

If there were not a veto power placed in a bill, but it was rather left to the Constitution, do you believe it would be better form to write that into a specific system, or simply leave it for, again, the Congress to structure itself in whatever way it wanted to be structured in order to have that avenue available? Now I am thinking in particular that there will probably be some functions that will be left here that are going to continually shift back and forth between the two governments. I visualize most easily the police force, because as somebody pointed out to me today, I think we have 10 police forces in this area, some of which are exclusively Federal, some do a little bit of both, some are exclusively local, and so on.

How would you feel that that would be best structured? I notice you reject the idea of using the Congress as the State legislature, so would you give me your opinion as to what is an alternative?

Mr. FLETCHER. Well, the alternative is, Mr. Chairman, is that I think you should, in terms of full home rule, you should give the decisionmaking power to the elected representatives of the city. I think that is the only true way that you can say that you have given the District, in fact, home rule.

Let me speak for a second to the question of the Congress retaining, in fact, let us say the State, or part of the State function. This is the field that I have been in for almost 25 professional years and have been constantly appalled at the problems that I see throughout this country because of the varied division of authority that has been created between States, counties, and cities, particularly when it relates to urban problems, when you have basically urban States, urban counties, urban cities. They get all in each other's way in terms of the different rules, regulations and the budgets in the system. Criminal justice is a classic example of that in which all three or even four agencies all walk in each other's way in terms of one single person and one single problem.

You have the unique opportunity, as I indicated in my prepared material, to keep that uniqueness here in the District and not to bifurcate it or trifurcate it by keeping some control in terms of certain of those functions. I think, in fact, you can give home rule to the District; I don't think, in fact, that you need a veto power in Congress. Maybe I am an idealist in hoping that is what Congress would adopt. It may be that some form of veto power would be necessary to get adoption through Congress. That is a decision that you have to make. You are asking me my opinion, and my opinion is that if you want, in fact, the home rule to meet the needs of the District, which has to be fast, has to be quick, has to be responsive, has to meet the needs of the constituencies, they should not, in fact, be fettered by not knowing whether any decision they make will or will not go into effect, because it may be that if there is an important decision that has to be made now and cannot wait for 30- or 60-day periods before those decisions in fact will go into effect.

Mr. ADAMS. Thank you, Mr. Fletcher.

Mr. Landgrebe, do you have any questions?

Mr. LANDGREBE. Mr. Fletcher, I regret very much that I arrived a little late, and therefore, I am not sure what areas of your comments have been covered by the chairman, for that, if we repeat some of the questions, I will be very sorry.

I did get through part of it, and I see that you have very, very kind things to say about the leadership abilities of the appointed City Council—I presume you are referring to those gentlemen. Do you feel that they could actually do a better job if they were elected, or would respond in some other way.

Mr. FLETCHER. Yes, sir.

As I pointed out in my prepared material, sir, that despite the fact that they are appointed, I think they have done an extraordinarily good job of being responsive. The point I am making, however, is that having to face a constituency which elects them. I think increases their lacer or their knowledge and understanding of what in fact responsibility and response is, which is what I think it should be rather than simply putting the burden on the shoulders of Congress. Whenever a difficult decision has to be made, quite frequently that is shifted to the shoulders of Congress. I think that ought to be done in the District Building by elected officials, elected by the people of the city.

That is particularly true, sir, in terms of financial responsibility. I think they can be far more responsive in terms of taxing measures, in terms of the size of the budget when they have to face an electorate continuously as you do in terms of the decisions they make. Now they do not have to face an electorate and the decision on the budget and the decision on taxing measures rests entirely with Congress, not with the officials of the District government.

Mr. LANDGREBE. Well, do you feel that if these men were elected and had greater responsibility, what would you anticipate? More efficiency or more waste or what might happen here? Very seriously.

Mr. FLETCHER. I think there are two words that have to be used simultaneously in answering that question. One is efficiency and the other is effectiveness. I think sometimes we do very efficiently what we should not do at all. I think that we cannot just totally concentrate on

the word efficiency; I think we have to be equally concerned with effectiveness of delivery of service.

For example, I think we should look at what we should continue doing, things we are doing. Can we eliminate them, can we do them better?

Once you make those decisions then the question of doing it as efficiently and as cost saving as you can, I think, becomes paramount. It is my opinion that by the elective process there is a greater responsibility to do just that, to be, in fact, fully aware of both efficiency and effectiveness, and I think they can be.

Of course, I am prejudiced in terms of the Nelsen Commission report as to having been a member of that commission, but I think a large percentage of those recommendations strike right at the heart of your question, and if, in fact, adopted, will produce both increased efficiency and effectiveness.

Mr. LANDGREBE. Speaking of the Nelsen report, the Nelsen Commission report, do you endorse the Federal payment recommendations contained in that report?

Mr. FLETCHER. Yes; but I was also in response to the chairman's question, would like to support a variation of that, which I think is a very good one that Mr. Du Val presented here to you last week, which adds a measure to it which I think is even more responsive to the needs of Congress; and if you will recall his testimony to you last week was to create a floor of existing Federal payments to increase the Federal payment as a direct relationship to revenue produced within the District, but to make that commitment for a period of only 5 years required to be reconsidered by Congress at the end of that period so that this would not go on forever, as far as Federal payment in terms of Congress role in that decisionmaking. I think that is an added blessing to his recommendation we did not have in the Nelsen Commission.

Mr. LANDGREBE. You, having been the Mayor of this town, or something?

Mr. FLETCHER. Deputy Mayor.

Mr. LANDGREBE. Deputy Mayor some time ago, you should be some sort of authority on the performance of people in the community. How do you appraise your locally elected School Board's performance, say, compared to the appointed city councilmen who are now in office?

Mr. FLETCHER. In my opinion, the injustice that was done in that regard is that all Congress did is permit them to be elected. It gave them no authority, it gave them no rights, it gave them no decision-making ability in terms of their budget, in terms of their revenue, in terms of salaries. In terms of the decisionmaking which was still retained by Congress, and if you were to do that to the District government and simply pass legislation which elected a Mayor and a Council, I think you would create chaos in the city. I think you would be raising the expectations of the constituency and then get no delivery service, all you did was permit them to be elected.

Home rule means home rule, which means that they have the right to make decisions. You did not do that in the case of the School Board; all you did was have them elected, yet there was no delegation of authority that they were elected by. They had the same restrictive abilities to make decisions they always had when they were appointed.

Mr. LANDGREBE. Who is going to name the new superintendent of schools? I understand there is an opening there.

Mr. FLETCHER. It should be the elected School Board. I cannot think of anyone else who should have that authority.

Mr. LANDGREBE. Well, who will have the authority? You say they have no authority, who will do this?

Mr. FLETCHER. Well, in terms they have no additional authority than they had at the appointed Board; they always had that right, to name the school superintendent, that was an authority that was always retained. But I am talking about the fiscal responsibility, the right to make reorganization, the right to adopt their budget, all the other factors, which I think are important to in fact give them the authority an elected official ought to have.

Mr. LANDGREBE. Do you think a School Board member should be paid, should be considered for a full, annual salary of \$25,000 or \$30,000 a year? Do you think that would make them a better School Board member?

Mr. FLETCHER. They certainly ought to be paid a lot more than they are paid now, based on the amount of time that they are required to spend. I think their pay now is \$1,250 a year?

Mr. LANDGREBE. That is correct.

Mr. FLETCHER. If my memory serves me right.

Asking men and women to serve an extensive amount of time, you are asking a School Board member to serve and pay them slightly lower than \$100 a month, I think is absolutely a great injustice on people. I think you ought to pay them based on the amount of work that has to be done, and there is an enormous amount of work that all of you gentlemen know has to be done in that school system. I think they ought to be paid commensurate with the work they have to do. That is also true, sir, in terms of the Council.

Mr. LANDGREBE. I think the School Board members are paid something like \$1,200.

Mr. FLETCHER. A year.

Mr. LANDGREBE. A year.

I am going to my own, for my own information, find out what the School Board members are paid in Indiana and I shall insert that in the record at our very next hearings. If Congress is willing to shoulder that burden, as it has been in the past, the burden of adoption.

You state that Congress should let locally elected officials shoulder the burden for the adoption or elimination of programs and taxes, is that right?

Mr. FLETCHER. That is correct, sir.

Mr. LANDGREBE. Well, if Congress is willing to shoulder that burden, as it has in the past under its constitutional authority to legislate for the District, can it not, in its own wisdom retain an authority as the wisest, historically sound, course?

Mr. FLETCHER. I do not think so, sir, because none of the members of Congress, with the exception of Mr. Fauntroy, are elected by the people you are making decisions for. I think the decisionmaking ability in terms of the level of programs and the service to the District ought to be properly made by those whom they elect, which in my opinion, can only come from home rule and the election of a Mayor and Council

to make those decisions for them. I do not think that is the proper role of Congress.

As I also indicated in my prepared material, I frankly think the Congress has a great deal more important things to do in this country than deciding whether you need a new typewriter in the Corporation Counsel's office or you need to change the fee at the dog pound. These are decisions which this Congress has had to deal with through the years, and I just think it is a waste of Congressmen's time and it is something that they should not do; that should properly be the role of the elected officials in the District.

Mr. LANDGREBE. You state the District government has certain advantages because of its combined State and county and city functions in one government. It is not plagued by the three State-county-local governments conflicts of, say, my own community back in Indiana.

Is it not possible with the situation we have presently, some are elected, some are appointed, is it not possible to have a real, good effective and efficient government in the District under the present situation, considering the possibility of people at all levels acting in good faith?

Mr. FLETCHER. Sir, that is true of any system. You can design the worst system in the world; if you have the people with good will and abilities and so on, sometimes it will work, but that is no excuse for mediocrity, that is no excuse for doing it improperly based on the fact that people of good will might, in fact, make it work. I think you have to strive for the best form of government on the basis of that regardless, then, of the people involved who will have a better chance of operating, not simply have to hope that you in fact have the people of good will you are talking about.

I think the system ought to be built in such a way that that is not one of the criteria. I think the election process is the one that determines the quality, as it does in Congress; I think it determines the quality in the District government as given to them, and I think on that basis, they are the ones that properly ought to make those decisions.

Now I would also point out, in reference to your State, I think you are fully aware that we are talking here of only 70 square miles. I do not know what the size of your State is, but it is substantially larger than that, and it has many other urban-rural problems. While in this area it is totally 100 percent urban: and as I point out in my prepared material, one of the great problems I have found in this country, being a public administrator for 25 years, has been the very division of responsibilities between the cities, counties, and States. It is one of the main causes of difficulty in delivering service that we find in the urban areas of this country is that division, which you do not have here in the District and would not have if you were to delegate, in fact, full responsibility and not retain any of it to Congress.

Mr. LANDGREBE. Just suppose that we were to adopt some form of complete home rule, even as has been proposed here, repetitiously something like State rule. Just suppose that the suspicions of many of the people of this community were not unfounded, but were actually true, that the people of this city with the present makeup of the population could not rule themselves, could not maintain tranquility, law

and order, restraint in taxing problems, and things of this kind. Where would this great United States be if, in fact, that should happen to be the way it would go?

Mr. FLETCHER. All right, there are two answers to that.

One, it is inconceivable to me that that could happen. I think that the 750,000 people of this District are not any different than the 750,000 who live in the major city of your State. I think they are the same human beings, they have the same ability to make decisions, the same ability to govern themselves as those who live here, and the mere fact of their chance of their location does not affect their decisionmaking ability or their right to govern themselves. There could be nothing in my mind that could indicate that crossing the boundary into the District they lose all ability to govern themselves. I cannot conceive of the basis of the question but I would add, however, another point, and that is, in my prepared material, by the Constitution, whatever laws the Congress passes they can always take away.

If in fact, what I cannot conceive of might in fact happen, Congress has the right to take it away—as you did in 1874, as a matter of fact.

Mr. LANDGREBE. What great joy and tranquility and opportunity and peace of mind and so forth do you think would be heaped upon the people of this community should they have the right to elect their Mayor and their City Council and, indeed, some sort of a government that would be able to lead them?

What opportunities are the people of this community missing other than going to the polls to vote. They can worship the way they please, they can drink whiskey, they can go to the tracks, what great joy in life is being withheld from these people who have chose, either themselves or their forefathers, to come and move into the Capital City of this great, wonderful country, enjoy the benefits, the extraordinary benefits of living in the Capital City. Now what joys are they missing? What additional joys are they going to have other than a big, political factional fight each 2 years to decide who is going to take over and run city hall?

Mr. FLETCHER. Well, to me, sir, the joy of democracy is the greatest joy that we can possibly have in this country. It is a privilege that every resident of your State has which the District resident does not have, and I think that is one of the greatest joys that the people in America could have, and I know of no reason why that should be taken away from the people who live in the District, because it is, in fact, a great joy.

Mr. LANDGREBE. But it has not been taken away from them, because these people have moved here at some point knowing full well that this is the Capital City, that it was the mecca of not only the great United States, but really the free world.

Mr. FLETCHER. Let me say, sir, it was taken away from them, back in the 1800's. They had the right to vote, and it was, in fact, taken away from them by Congress.

I would also point out the fact that the Federal Government itself is one of the principal reasons they are here, it is because this is a great employment center and they are brought here to work.

I would also point out that there are no signs that the——

Mr. LANDGREBE. I think a fairer statement is that they came here to work.

Mr. FLETCHER. But there are no signs on the boundaries of this city which tell here when they come through, and I would say that the majority of the people outside of the work that the League of Women Voters have been doing throughout this country, the majority of the people have no knowledge that they do not have the right to vote in the District. No one tells them that when they come in; they are not told ahead of time that they do not have it, and I have not met many people who have expressed great shock when they have discovered that that when, in fact, they became a resident of the District they did not have the same rights they had before they came here, or the rights that everybody else in this country has.

They are not given a choice ahead of time, because they are never told they have a choice.

Mr. LANDGREBE. One final question.

Assuming that the possibility should come about that we, this Congress—I do not think this committee would be very much delayed—but supposing that by the time we go all the way through the congressional and the White House and all that it would be a move toward the so-called home rule.

What way would you be inclined to go? Through the retrocession to Maryland? To maybe dividing the city maybe half and half, half to Virginia, half to Maryland? Or do you think that the statehood for the District of Columbia, that the State of Columbia is the one and only fair solution to the matter?

Mr. FLETCHER. Well, my solution that I would recommend is that this be given the right of home rule as, in fact, a city with a Mayor and Council. I do not approve, in my own thinking, that statehood if that involves a bicameral system or a difficult system of government which I do not think the city needs in relationship to its solution of problems, I think; and certainly retrocession is not the answer, in my opinion. No. 1, Maryland has not asked for it, nor do they want it, and I do not think we should split the city.

Mr. LANDGREBE. Retrocession is not the answer, statehood is not the answer, so that you are asking that we give to the people of the District of Columbia something that the United States do not enjoy at this time, even the great Chicago with its great Mayor Daley—who incidentally is an extremely competent mayor—but he still has to go hat in hand down to Springfield, and the great Indianapolis in Indiana has to go over to the capitol building.

It seems to me that the proponents of home rule are somehow caught up in the idea of having an absolute home rule and then as Mr. Simon of the School Board comes along here and testifies yesterday, "Yes; we want not only home rule, we want statehood and we will determine what the Federal payment will be to our city; we will determine it." He does not even want any questions asked.

Now this is impossible for this to come about in that way.

Mr. FLETCHER. Well, I am not asking that the District necessarily make a determination on the Federal payment. I do, however, reject the argument that because it has not been done it should not be done here. I think that in effect it can be done here and it is the only solution. I think there is a unique opportunity here in the District to provide, in fact, a single form of government to provide the answer to the needs of a single group of people who are the District residents.

I see no justification of splitting them between two houses or two separate functions. You are dealing with the same people; and the mere fact that it has not been done before—and there are many, by the way, combined city-counties throughout this country—so throughout this country you have many examples of almost halfway or over halfway to doing what we are talking about here. San Francisco is a classic example of that city-county; many other good examples throughout this country have shown how you can do this in terms of city-county functions. I think adding the State function does not violate the concept of delivery of service to the people of this area and I think it can, in fact, be done and I think it can be done more efficiently than what you are now having to do in Chicago or any other place.

MR. LANDGREBE. No other questions. Thank you.

MR. ADAMS. Mr. DePuy.

MR. DEPUY. Thank you, Mr. Chairman.

MR. FLETCHER, you are recommending that there be a system of horizontal checks and balances but no vertical checks and balances in essence. Are there other mechanisms such as initiative or a referendum system or a recall system that might provide additional checks from the populus instead of from a State legislature or the equivalency?

MR. FLETCHER. Being from the West, sir, I am an advocate of the initiative, referendum, and the recall and I would see no problem at all adding that to home rule, as far as the District is concerned. It works in the West; as a matter of fact, that is what home rule means in the West: that they have in fact the right of initiative, referendum, and recall, and I think that is a right that a citizen properly can have.

MR. DEPUY. Second, there has been some concern about the effects of the Hatch Act in terms of restricting qualified Government employees seeking elected office. Would you recommend some modifications of the Hatch Act?

MR. FLETCHER. Not particularly; I think, if I remember, the court decisions that have been made on that is that by sheer nature of their having been a government employee does not in fact restrict. I know this is true, for example, in city governments, that as long as they are doing it on their own time and not as a city official or county official or State official, they can, in fact, engage in political activities as long as they represent themselves and not their city and is on their own time. Now whether that, in fact, would require revision of the Hatch Act, I do not think it would.

MR. ADAMS. Mr. Fletcher, if the gentleman would yield for a moment.

That applies only to nonpartisan city elections, though, does it not?

MR. FLETCHER. No, I do not think it does, sir. I think if I remember correctly, in California—and I am not an expert on the Hatch Act, being, in fact, nonpartisan myself and I have been in all of my professional life—my understanding is that it in fact can be done. I think by court action. I know that in California that as long as it was on their own time it did not disenfranchise them, simply because they were government employees or city employees; they, in fact, could become involved.

Now I may be incorrect and somebody can correct me, but that is my understanding, not being an expert in partisan politics.

Mr. DEPUY. On that same question, partisan versus nonpartisan, do you have any feeling as to whether we should go the partisan route or a nonpartisan route in terms of elected municipal officials?

Mr. FLETCHER. Yes; my mind is divided on that, I must confess. I see absolutely nothing wrong with going through a partisan election. I think the country was set on that; it was established that way and it continues to function.

My experience, however, has been generally a nonpartisan situation and I have found generally—and again, using the West as the best example—that city government works quite well as nonpartisan. But I do not feel strongly either way. I certainly would not speak against partisan elections. I think there has been a tradition—let me say this.

There has been a tradition in the District of, in fact, when you have elections to be of a partisan nature, and I think that should be retained and I see no problem in having partisan elections. You can work either way.

Mr. DEPUY. One final question.

As a member of the Nelsen Commission, are there any recommendations you made this morning or this afternoon that you think are inconsistent with recommendations made by the Nelsen Commission?

Mr. FLETCHER. I know of none other than the modifications of the Federal payments and I might ask John, if his memory serves him better than mine, as to anything. I do not believe I have said anything that would in any way violate the Nelsen Commission with the exception of the modification on the Federal payments. I suspect that is correct.

Mr. DEPUY. Thank you.

Thank you, Mr. Chairman.

Mr. ADAMS. Mr. Hogan, do you have any questions?

Mr. HOGAN. I have no questions.

I was asked by Congressman Nelsen to extend his regrets to Mr. Fletcher for his inability to be here and to welcome him and to state to him that he considers him a good friend and that he enjoyed very much working on the Nelsen Commission with him and he regrets that he cannot be here.

Mr. ADAMS. Thank you, Mr. Fletcher, very much for your testimony today. The committee appreciates very much the time you have taken to come here to be with us.

Mr. FLETCHER. Thank you, Mr. Chairman.

Mr. ADAMS. The next witness is Mr. Warren Richardson, general counsel of the Liberty Lobby.

Mr. RICHARDSON. Mr. Chairman, members of the committee—

Mr. ADAMS. I notice that you have a statement here, Mr. Richardson. As with other witnesses, you may either read it or submit it and summarize, whichever you prefer.

Mr. RICHARDSON. Even though it is rather short, I would like to submit it and summarize.

Mr. ADAMS. All right.

Without objection, your statement will appear in full at this point in the record; Mr. Richardson, you are recognized to proceed.

[The prepared statement of Mr. Warren Richardson follows:]

PREPARED STATEMENT OF WARREN S. RICHARDSON, GENERAL COUNSEL,
LIBERTY LOBBY

Mr. Chairman and Members of the Committee: I am Warren S. Richardson, General Counsel of LIBERTY LOBBY. I appreciate the opportunity to present the views of LIBERTY LOBBY's 20,000-member Board of Policy, and also to appear on behalf of the approximately quarter of a million readers of our monthly legislative report, *Liberty Letter*.

At the outset, Mr. Chairman, it should be noted that there appears to be a "new look" on the problem of D.C. self government. In the past, opponents and proponents have lined up along rather hard lines. Neither side has convinced the other of its rightness. If the newspaper accounts and what we hear around Capitol Hill are accurate, there appears to be a sincere desire to resolve the conflict which will probably always exist on this question. That conflict is how to accommodate the constitutionally mandated exclusive right of the federal government to legislate for the geographical area of the seat of its own government with the concept of self determination by the inhabitants of that seat of government. In the past, those who would propound so-called self government would overlook, in most cases, the Constitutional provision of Art. I, Sec. 8, which states that "The Congress shall have Power . . . to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)." On the other hand those opposing home rule have overlooked completely, for the most part, the problem of self determination by such a large part of the population of the U.S.

Another indication of a sincere effort to resolve the primary conflict is contained in the questions propounded by this subcommittee. The mere fact that the committee is trying to determine answers to these questions indicates that we are now trying to find solutions rather than defend old cliches.

As you know, Mr. Chairman, LIBERTY LOBBY opposed the concept of D.C. home rule. Our opposition was based upon the very plain and obvious fact that prior efforts overlooked the Constitutional mandate. Now that the mandate is recognized, we can turn our attention to practical solutions. Moreover, we are now able to endorse once again the principle which LIBERTY LOBBY has historically taken—self-determination. Most recently, we found ourselves in agreement with the Congress of Racial Equality (CORE) in the great controversy over compulsory busing.

We suggest that a method to marry the principle of self determination to the constitutional mandate of exclusive Congressional control is to catalog the federal and local functions in the District of Columbia and sort out the assets of the District between those of local and federal use. The cataloging should be under the supervision of some members of this committee (along with counterparts from the other body) and persons elected by the residents of the capital city. Such a fact-finding commission could then formulate an intelligent plan for the national interest to continue under the exclusive legislative control of the U.S. Congress and the local interests can then be subjected to the self determination of the inhabitants.

It is obvious, Mr. Chairman, that the answers to the committee questions will, to a large extent, be in the facts found and conclusions reached by the commission. One area of the questions—fiscal affairs—deserves special mention. Self determination carries with it the obligation of fiscal integrity. In other words, the obligation to finance your own government must be co-extensive with the quantum of self-determination. Thus, no federal money can be paid into the local affairs if the inhabitants want self government. Wherever there is an overlap of function, one government may pay the other a legitimate fee for the use of the facility; otherwise, neither government will support the other monetarily.

Therefore, we conclude that the federal interest must continue to be exclusively within the control of the U.S. Congress and the local interests should be within the control of the local governmental entity. That governmental entity should be organized by the commission after it has separated the local and federal functions. Since local residents will participate in the allocation procedure and have a voice in what form of government they shall enjoy, true self determination, on a fiscally sound basis, will come into existence for the residents of the District of Columbia.

Thank you, Mr. Chairman, for the opportunity to appear here today and present our views.

**STATEMENT OF WARREN RICHARDSON, GENERAL COUNSEL,
LIBERTY LOBBY**

Mr. RICHARDSON. The first part of the statement sets forth our appreciation for what we call the new look in the committee approach to this problem. In the past, the opponents have been widely divergent in points, with seemingly little in common. We were most pleased to receive the questions that were sent along with the invitation, and that alone indicates that you and the committee and the staff are trying to seek a solution to the problem.

The problem as we view it is how do you grant self-determination to such a large group of people, in face of a constitutional mandate, to allow the Congress to have exclusive legislative control over the seat of its own Government.

Until this year, I am afraid, it was our opinion at least that little headway was made in resolving this rather impossible situation. Your questions have put it into focus, and hopefully this Congress will see great strides made toward the solution. Incidentally, the organization I work for has been on record over the years as in favor of self-determination.

Unfortunately, we were cast here in the role of being opposed to home rule, simply because in the past no credence was given by the proponents of home rule to the constitutional mandate.

Since that has been cured, we look forward to solutions. We would suggest as a first step in resolving this conflict to make a catalog of the various functions which are performed, categorizing them by local or Federal, also cataloging the assets.

And then we suggested a committee or a commission or whatever you wish to call it of members of this committee, its counterpart committee in the other body, as well as elected officials from the District with these facts in hand, make a determination how to grant the self-determination to the inhabitants; and at the same time, retain the constitutionally mandated exclusive control over the seat of the government by the Congress.

We have hopes that this can be done. If you've been acquainted with cost accountants and systems engineers in the past, I'm sure you will know that they will be able to come with reasonable separations of these factual data which will make it then easy to answer your questions.

Right now, I don't believe your questions from our point of view resolve into easy answers. As pointed out in the written testimony, the important grouping of questions there involves the fiscal, which is on page 2. I'm sure the proponents of home rule or what we call self-determination are aware that every point has two sides. And with the acquisition of an elected government, they also take on the burden of financing it.

This cataloging of the interests and the assets and the functions would help in this direction, so that a proper financing scheme could be worked out. There is no reason why, since you have compacts of governments today amongst counties; in our own area, you have the Metropolitan Government Association, you cannot have cooperation, and in effect a payment by one government for the use of the other's facilities. This should be able to be worked out.

Therefore, Mr. Chairman, we feel that the age-old struggle may finally be coming to rest if everybody puts their shoulder to the wheel and makes this determination. I would appreciate questions, I'm sure that we haven't said everything that can be said on this subject. We are trying to keep it short in view of the time limitation.

Mr. ADAMS. Thank you very much. The committee appreciates your statement, and the fact that you have compressed it and made your point.

Mr. Landgrebe?

Mr. LANDGREBE. I thought the chairman would ask his questions first.

Mr. ADAMS. I was looking over to Mr. Fauntroy, and he's not in his seat.

Congressman Fauntroy wanted me to announce for the record that he had to attend a session of the Banking and Currency Committee at this moment. So why don't you proceed, Mr. Landgrebe, and I will defer?

Mr. LANDGREBE. So you're Warren Richardson of the Liberty Lobby. Is that right?

Mr. RICHARDSON. Yes, sir.

Mr. LANDGREBE. Nice to see you, Warren. Usually Liberty Lobby is a little more concise in their stand on matters. It seems to me at this time, you are just kind of getting in the act without taking a stand.

You point out here in your first page that Congress or the constitutional provision in our Constitution today—and certainly you're a strict constitutionalist as any one member—the Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District, not exceeding 10 miles square.

Now, if we're going to get serious about home rule, at some time are we not going to have to have a constitutional amendment that will have to be adopted by 38 of 50 States if we're going to move toward real meaningful home rule?

Now, Liberty Lobby is not going to let us just do this by legislative actions.

Mr. RICHARDSON. My answer to your question would be somewhat lengthy, but I'll try to compress it.

I realize that the statement in my testimony appears to you, and maybe to others, as if we had, as they say these days, waffled. It's not true. We're not waffling on the subject.

There are two—really, it's the old song of the irresistible force and the immovable object. For many years, we have believed in and supported self-determination, as I pointed out in this testimony last year, we were in accord with the Congress of Racial Equality, CORE's stand on busing, for example, which is essentially a self-determination stand.

We've also been opposed to what I call home rule in the past on the grounds you just stated from our testimony; namely, that the Constitution makes it mandatory that the Federal Government control the seat of its own government. But we see, particularly with the change in the committee attitude—and I don't know what caused the change, and it's really immaterial—that there's an attempt to reconcile these two almost irreconcilable forces.

I would suggest that, Mr. Landgrebe, that Liberty Lobby would support a legislative approach to this problem as long as the congressional mandate is carried out. I see no reason why it cannot be.

If the cataloging of these interests and functions and the assets is not carried out, and then a reasonable attempt made to allocate them, it's almost a problem in what we would call cost accounting, if you're familiar with the function of a cost accountant. This would allow the Federal Government to retain exclusive legislative jurisdiction, which it must have under the Constitution, over the Federal, as they say, in the questions submitted by the committee; Federal interest.

I call them functions or assets rather than interests. Interest is too difficult to define.

But certainly we could postulate extremes. It certainly is reasonable to say that the Federal Government should not be involved in the granting of dog licenses to dogs, or carrying on a local hospital function or schools and so forth.

On the other hand, the local government certainly has no business or concern with what happens to the Department of Justice or any of the Federal agencies and commissions and so forth. So you have the two extremes.

Now, where do you draw the line in between? How do you merge into the middle? And I suggest that you won't find that merging point until somebody sits down and makes the—like a catalog of all these functions so that they can be separated.

A good example of separation would be, for example, your police. Certainly the citizens of the District of Columbia have a right to and have a definite interest in and should have a good police force. Now, that you would be primary to them.

The Federal Government is interested in the same function, but perhaps to a different extent, because they have your Executive Protection Agency, the old Secret Service, you have the FBI, you have other police functions here; you have, for example, in this building, your own guards.

They don't need the same police protection that the citizens do, and they would perform a different function. Yet, even so, the Federal Government would want to have for its own protection an operable and well-qualified and well-trained Metropolitan Police Force.

So there's an overlapping function which could be worked out in terms of what were to be worse to the Federal Government; to pay for their share of the services in the Metropolitan Police? And this could be determined, again, by cost accountants through the medium of research into what amount of time—and I'm sure they keep their logs on police work—how much time is involved in various types of activities, such as patrolling the streets, and how many man-hours are involved in this and that.

I'm sure Chief Wilson has this broken down already, and it shouldn't be difficult to obtain. Therefore, in that type of situation where you have an overlap, if the balance is in favor of the District, then it would be considered a District function, and the Federal Government would pay for it, just as if they went out and hired another police force, or as if they hired the FBI, just simply on a man-hour basis.

So I don't see that this means that we have to change the Constitution if approached from that point of view. We're trying to find a solution rather than to throw up impediments.

I think this is a fruitful avenue to approach, and if I understand the previous testimony and what I read in the paper, I believe the committee is going in this direction.

May I ask a question? Is that the type of thing you're talking about?

MR. ADAMS. Well, they've certainly been trying, Mr. Richardson, I don't know where we are, but we've been trying.

Go ahead, Mr. Landgrebe. I'm sorry.

MR. LANDGREBE. I don't think we have clearly defined, and we couldn't do it here in a few minutes, but the question has been brought up to me, what the Constitution will permit. And I'm not sure this committee has delved into it. They may have.

What can we do constitutionally in moving toward local control or local decisionmaking without going across country to the State legislatures for a constitutional amendment? And certainly I'd like to, for the record, make it clear at this time, that I didn't become a candidate for Congress so that I could lord it over the people of the District of Columbia.

It is certainly not the intent of this Congress just to keep people enslaved, or under rule, anything of the kind. It is our capital city, and people don't necessarily have to go to Sioux City, Iowa, or they don't necessarily have to go to New Orleans to the Mardi Gras, but if you're going to do business with your Federal Government, you've got to come to Washington.

And the improvement in law and order here in the last 4 years is due to the actions taken by the U.S. Congress in acting on the various crime bills and other actions that have secured the city, at least to some degree over a period of time.

So what would we do, what would we do if we should provide home rule—and I'm going to lead into this—how do we do it and through what means? But supposing we turned over this power, including the police power and authority in this city, and the city became a shambles again? Then what would be our situation?

Do you think we can do this without retrocession, or that we can satisfy the loud cries of League of Women Voters and others in Washington screaming for home rule, and we can work out something in the framework of the Constitution without going to retrocession or to statehood? Is it possible to achieve something that will satisfy the forces that are in conflict here?

MR. RICHARDSON. Well, first let me say that I am unaccustomed to defending the League of Women Voters, but I must say that so long as we don't drop into statehood, which I would say is on one end of the spectrum here—if you had defined statehood as turning over this entire area of—well, it's less than 10 square miles—to a State government, thereby relinquishing the congressional control which is mandated by the Constitution, or the seat of Government, that I think is clearly on one end or the far extreme.

If that's what you mean by statehood, then I would say we're not going to achieve that, and remain within the concept of the Constitution. But if we can come up with self-determination—I like the word self-determination better because it has, I think, a more precise connotation.

Home rule has the old favor and implication of just simply turning everything over; whereas self-determination has the—at least in our

viewpoint—a concept that the people who live here, certainly have the basic right to determine their own in effect, formal government, and have elections and elect their own people to rule them, and to take care of their needs.

And so, going back again to your League of Women Voters, I think it's not the question before this committee to please any one group, or to come up with the solution. I think that solution is ahead of us. I think it can be achieved in terms of allocating the functions.

We can use different words, and we can redefine "thing" until we'd be here all day. But essentially what I'm trying to say is that these functions can be separated, and those which belong to the local people should be turned over to them; and the Congress, and you, and all the people on this panel shouldn't have to worry about it.

Again, I don't think it's a proper function of the Federal Government to get involved in these local affairs, and there must be a way to solve it.

Mr. LANDGREBE. It may not be, Mr. Richardson, but you know in many cities the Federal Government has had to go in at election time with Federal agents to save the people from the self-determination of some of the powerful people in those communities, Gary, Ind., a shining example, where the local people somehow with the right of determination, have failed to exercise or to keep or abide by the laws that they made themselves on the voting, permitting some people to go, just go, discriminantly from one place to the other voting, while the decent, respectable citizen votes once.

Now, what's self-determination about this? And one more comment, self-determination—we had witnesses here yesterday. We've had people in this community who—their determination and their self-determination—the situation isn't all that bad. They think it's their self-determination to come to the District, to live here, fine people and some gentleman from the ghetto, who says my self-determination says that this ain't too bad a situation.

So, isn't he entitled to his self-determination, too? How can we accommodate the self-determination of everybody and still have a republican form of government? And we'd better hang on to that republican form of government because you know, better than I do, that a pure democracy carried to the ultimate end is chaos.

Mr. ADAMS. Thank you, Mr. Landgrebe.

Unless you want to, Mr. Richardson—If you'd like to comment, certainly. I didn't know whether it was a question or a comment. Please go ahead.

Mr. RICHARDSON. I would like to make the comment that I'm unfamiliar with Gary, Ind. That's your home State. But I would reiterate the testimony of the prior witness, that I wouldn't start out with the assumption that things will get worse if we go to self-determination.

I think that everybody in this country, from East to West, North to South, has got the same capabilities for self-determination. That's one or two, the fact that it may have gone a little bit in an extralegal fashion in the polls is a question of people, not of the concept of self-determination. And three, in regard to the right of the person who wants to have the District the way it is, this is the essence of voting in a Republic.

And when it goes to the polls here, if there are enough people who like it the way it is, I'm sure it will stay that way. So I would rest confident in the enlightened outlook of the people who are actually going into the voting booths to pull the lever. If they want self-determination by staying here, that's fine. If they want to go in a different direction, I would say that's fine also.

Mr. ADAMS. Thank you, Mr. Richardson.

Your statement will be in the record. And thank you for giving it to the committee, and thank you very much for being here today.

Mr. RICHARDSON. Thank you, Mr. Chairman.

Mr. ADAMS. The next witness is Mr. George Apperson, president of the Greater Washington Central Labor Council. And I believe that he is to be accompanied by Mr. Raymond Brown and Mr. Martin Bond; Mr. Raymond Brown being president of the Communications Workers of America, Local 2336, and Mr. Martin J. Bond, first vice president of the Greater Washington Central Labor Council.

Is that correct, gentlemen?

Mr. APPERSON. That's correct.

Thank you very much, Mr. Chairman.

Mr. ADAMS. The committee is pleased to receive your testimony. As I stated to the other witnesses, I noticed you have a written statement, which you may either place in the record and summarize, or may present by reading it.

Which do you prefer?

Mr. APPERSON. I'd prefer to read it, if you will, Mr. Chairman.

Mr. ADAMS. Fine.

Mr. APPERSON. And I'd like to also submit the last page of the testimony. I'd like to replace your last page with the page here.

Mr. ADAMS. Is that page number five?

Mr. APPERSON. Yes.

Mr. ADAMS. In other words, page No. 5 has a replacement?

Mr. APPERSON. Yes; it should be replaced, and then a copy of the AFL-CIO resolution on home rule, adopted by the 1971 AFL-CIO Convention.

Mr. ADAMS. Fine if you want to proceed, Mr. Apperson.

STATEMENT OF GEORGE APPERSON, PRESIDENT OF GREATER WASHINGTON CENTRAL LABOR COUNCIL, ACCOMPANIED BY RAYMOND F. BROWN, PRESIDENT OF COMMUNICATIONS WORKERS OF AMERICA, LOCAL 2336, AND MARTIN J. BOND, FIRST VICE PRESIDENT OF GREATER WASHINGTON CENTRAL LABOR COUNCIL

Mr. APPERSON. Mr. Chairman, my name is George W. Apperson. I'm president of the Greater Washington Central Labor Council, AFL-CIO, and I am here today to express the strong support of the Central Labor Council for legislation which will give home rule to the people of Washington, D.C.

The Greater Washington Central Labor Council, AFL-CIO, and its predecessor before 1957, the Washington Central Labor Union, has advocated full suffrage for the residents of the District of Columbia since 1900. We have worked closely with the Washington Home Rule

Committee, and before that, the Central Suffrage Conference, and any other organizations which were interested and were working on home rule and national representations.

Self-government is fundamental in our American democratic life, and it is just as important to the citizens of the District of Columbia as it is to the citizens elsewhere in this great country. Self-government was the guiding principle of the American Revolution. We hope to see effective, genuine self-government here in the Nation's Capital well before the Nation celebrates the Bicentennial of the American Revolution in 1976.

Home rule would free a busy Congress from the thousands of man-hours now devoted to the study and debate of legislation important only to the residents of the District of Columbia. The legislative branch of the U.S. Government is too large a body, too hard pressed, and indeed, too well paid to serve as a municipal board of aldermen.

We believe that home rule in Washington, D.C., means delegation by Congress of all basic governmental functions to the District of Columbia government with an elected Mayor and an elected City Council possessing all the legislative and executive authority they need to operate an effective, responsible, and representative governmental system.

Let me say at this point that we realize that there are a variety of approaches to achieving the kind of Mayor-City Council representative, democratic system of government that we seek for the District of Columbia. It is entirely possible that the reasonable people will have their differences on the details of the kind of self-government that the people of the District of Columbia should have and will have. But on the broad principle of home rule, on the broad principle of genuine self-government for the citizens of Washington, D.C., there should be no fundamental disagreement.

We are particularly concerned about the need to establish the right of all citizens in the District of Columbia to participate in the political process. This is a basic political right which should not be denied to citizens in the District of Columbia, whether they work for the District government or for the Federal Government or for private employers.

Therefore, we strongly urge that Congress abolish Hatch Act restrictions on political activity for all Government workers who are citizens of the District of Columbia. Any citizen of the District, including Government workers, should be free to run for public office or to participate in partisan political activity.

We think it would be wrong to prohibit partisan politics in elections in the District of Columbia. Partisan politics helps to focus responsibility and that's what we need in the District—responsible politics and responsible government.

With these thoughts in mind, I would like to make some comments on the number of problems and issues regarding self-government and government organization.

First of all, we believe that all legislative powers, including fiscal powers, now held by the Congress and now held by the existing City Council should be vested in a unicameral elected City Council. There should be no distinction between the laws normally enacted by municipalities and laws normally enacted by State legislatures.

It has been suggested that the historical and constitutional role of Congress in the affairs of the District of Columbia can be maintained by providing that no act of the City Council may go into effect if either body of Congress disapproves of such act within 30 days of its passage by the City Council.

Such a provision was contained in the District of Columbia home rule bill passed by the Senate, October 12, 1971. This appears a reasonable protection for the Federal interest in the District of Columbia.

Furthermore, as a practical matter, Congress will have a continuing interest in the appropriations required for the Federal contribution to the budget of the District of Columbia. However, we would like to see the Federal payment tied to some kind of automatic formula so that District government budget-making and program planning can proceed with some degree of certainty—at least with less uncertainty and less confusion.

We envision a City Council with no more than 15 members. Eight of these Council members would be elected from the existing election wards in the city and the remaining Council members would be elected at large. We think there should be sizable at-large representation to make sure that the City Council is representative of the community at large and responsible to the community at large.

Council members should be elected simultaneously to 4-year terms at the same time that the Mayor is elected to a 4-year term. We see no benefits and a number of drawbacks to the staggering of terms of office for members of the City Council.

Staggering of terms would lead to divided and ineffective government. We believe simultaneous election of all Council members and of the Mayor will help to produce more responsible and more effective government in the District of Columbia.

I think it is worth noting that simultaneous election of City Council members to simultaneous 4-year terms follows a pattern that exists now in Washington's neighboring counties of Prince Georges, Montgomery, and Fairfax.

The Mayor, who will be the chief executive of the District of Columbia governmental system, should be elected to a 4-year term coincidental with the 4-year terms of the members of the City Council. We envision a strong mayor form of government and this means the Mayor of the District of Columbia must be elected to the office in his own right so that his authority stems from the direct election by the people.

We also support direct election of the chairman of the city council. The chairman of the council should run specifically for that office and he should be responsible to the community at large. This means he will be an at-large candidate, seeking support from the community at large and responsible to the community at large.

If the Mayor's office becomes vacant for any reason, the chairman of the city council should succeed to that office. We make this recommendation because we believe that the chairman of the city council is the elective office second only to the Mayor's office and because we believe it is desirable and necessary to establish a line of succession to the Mayor's office in the event that the Mayor's office becomes vacant.

We believe the chief legal officer for the District of Columbia, whether called the Corporation Counsel or the city attorney, should

be an elected officer, and he should be elected to a 4-year term in the same general election with the Mayor and city council.

Election of the city's chief legal officer is a normal pattern in many State and local jurisdictions and we believe it contributes to the impressiveness of government, representative, responsible government.

In regard to the judicial system, we urge maximum participation in the selection and appointment of judges by the Mayor and city council with provision for input from private citizens and private organizations, including the local bar.

To retain the benefits of the recent reorganization of the District's court system, we urge minimum changes at this time in the existing court structure, and we think it may be reasonable for the Senate to retain its authority to confirm judicial appointments to the District of Columbia courts.

In a "strong mayor" system of government, the mayor must have full authority to organize or reorganize the executive structure of the government of the District of Columbia. As its chief executive and chief administrator for the District government, the Mayor has the responsibility to make the government work efficiently and effectively. To meet this responsibility, he must also have the authority to do the job.

He must have the authority to name department and agency heads who are responsible to him and if they don't perform well, he must have the authority to get rid of them and get people who will do the job properly.

In light of the obvious Federal interest in the government of the District of Columbia, we recommend that an Office of Federal Relations be established within the Office of the Mayor. This office of Federal Relations should have specific responsibility for District government relations with Congress, with the White House, and with the Federal agencies and departments.

Simple justice and the needs of a modern Congress require that home rule be restored to the citizens of our Nation's Capital.

Mr. Chairman, I appreciate this opportunity to present the views of the Greater Washington Central Labor Council, AFL-CIO. We support home rule for the District of Columbia. We urge this committee and we urge the Congress to make possible at long last full, effective, genuine self-government for the people of the District of Columbia.

Thank you.

Mr. ADAMS. Thank you very much, and without objection, the resolution which you have attached to your statement will be entered in the record at this point.

Mr. APPERSON. Thank you very much, Mr. Chairman.

[The material referred to follows:]

HOME RULE FOR THE DISTRICT OF COLUMBIA—ADOPTED BY THE 1971 AFL-CIO CONVENTION

RESOLUTION NO. 42

(By Delegate Charles A. Della ; Maryland State and D.C. AFL-CIO)

WHEREAS, The AFL-CIO has for many years advocated full suffrage for the District of Columbia, and

WHEREAS, The Congress of the United States has passed a constitutional amendment which has been ratified by the states granting the right to vote for President and Vice President to the citizens of the District of Columbia, and

WHEREAS, The Congress of the United States has approved legislation which now allows the election of one (1) non-voting delegate for the District of Columbia, and

WHEREAS, The prospects for home rule and national representation are brighter now than for many years; therefore, be it

RESOLVED: That the Ninth Constitutional Convention of the AFL-CIO urges all segments of the AFL-CIO to assist the Washington Central Labor Council, AFL-CIO in securing the passage of legislation to achieve these objectives.

Mr. ADAMS. I have a question about the selecting of the Chairman of the City Council. My question really is, if we have an election with a Mayor running as the chief executive officer, and we have people running at-large for the Council; is it necessary that that person be elected at-large, too, as opposed to being selected by the Council itself from among the at-large members elected to the Council?

Mr. APPERSON. I think the intent for having an election at-large for the City Council head was to keep the continuity of the fact that if he took the place of the Mayor, he would be elected the same way the Mayor was. And we felt that this would be a better policy and a better way to follow this, then would be of being appointed otherwise.

However, we only put that in there as saying that as far as some changes that may be necessary in the wisdom of the Congress, we certainly would consider any method that you might find that could possibly be better.

Mr. ADAMS. We also had the suggestion from certain members we've had on panels, that there be an election in the off-years?

Do you have a position?

As by off-years, I mean the noncongressional or non-Presidential years. I have no position either particular way. Does your organization have a position? I notice you say 4-year terms. Would you have those at the time of the Presidential election, or non-Presidential election or in some off year?

Mr. APPERSON. I don't think we meant to take any particular position of whether it would be an off year or not. I do know that when you have a Presidential election, you get a lot more people out to the polls and get them to vote. And the activity of voting for others, naturally creates the desire of those to get out and move.

With the off year elections, you know how the voting is down. So I would think to let it coincide with the Presidential election would have to stimulate a great deal of participation in the city, people to vote. And I think it would be better that way.

Mr. ADAMS. There was also a recommendation made that elections should be for staggered terms, simply because it produced an election activity every 2 years, and an opportunity for the people to express their pleasure or displeasure with the manner in which the Government was operating.

Do you have a comment to make on that? I notice you advocate a 4-year term, and I'm not familiar with the surrounding counties. I know many other places they elect every 2 years simply so the voters have an opportunity to express their pleasure or displeasure, more often.

Mr. APPERSON. Well, the Congress, of course, gets elected every 2 years. I have always felt, and I think that it is a position that we feel, that in a longer term of the office, the people will be more selective of the people they select to go in these offices, realizing that they—

Mr. ADAMS. I agree with that. By staggered terms, I was not suggesting that you make one 2 years. In fact, I would like to see the Congress with 4-year terms but elected every 2 years, so that you'd have a third rotate every 2 years.

But what I was suggesting here was that you have 4-year terms, but the councilmen would be elected one portion in 2 years, and one portion in another 2 years.

Mr. APPERSON. I have no opinion about that, Mr. Chairman, either way.

Mr. ADAMS. My final question is with regard to the Hatch Act restrictions, because of the heavy Federal participation or heavy Federal employment in the District, I certainly can see the reason for having to remove Hatch Act restrictions for local government elections, or you would disenfranchise—not disenfranchise, but you would remove from political activity a great many people in the area.

But now what about people who are actually in the city or the District government itself? So you'll understand that I'm not trying to lead you to any conclusion, I'm very ambivalent about this as to whether or not there should be a civil service system for city governments. I've seen it produce great mediocrity in places.

On the other hand, I'm aware of the argument that you should allow a city government to maintain itself by using its city employee to build a machine. So I am asking you now not about the Hatch Act as applied to Federal employees, but should there be any kind of civil service or Hatch Act type of restriction on people who actually work for the government in the District?

You don't believe so?

Mr. APPERSON. No, I do not.

Mr. ADAMS. In other words, they can participate.

Fine, thank you very much. I appreciated your statement.

Mr. Landgrebe?

Mr. LANDGREBE. Mr. Apperson, if we were to carry out what I think is the intent of your statement to give the people of the District, basically, the right of self-determination, to give them the operation or the management of the city; what would happen, and remembering this is our Capital City, if we needed another library building as is being built right here near this complex, and considering that the District of Columbia, the city hall downtown has absolute control of the District.

Now, what would happen if we would get in a hangup and we couldn't convince them that we needed this new library building, and they just were not interested in our problems? So where does this leave the Federal Government? How are we going to resolve the situation?

Mr. APPERSON. Well, I think you've got to look at it in two ways; I think the people have a right to govern themselves in the Nation's Capital as well as any other city or town throughout the Nation. I don't think that the people of Washington are going to be unreasonable in dealing with the Congress of the United States, and I have great faith in our form of government and in the Congress of the United States.

And I feel that some understanding can be met in reference to doing it. I don't think there's going to be this obstruction as far as the Con-

gress wanting to build a new library, or many other things that they may want to undertake. I'm sure they're reasonable people, and can face these things reasonably.

MR. LANDGREBE. If these buildings are built, and taxpaying property is necessary, and sometimes the Government has got to take actions that are not necessarily acceptable to the people, and to everyone concerned, but sometimes this is unpleasant. And I'm sure you understand what I'm talking about.

But suppose that they are going to be losing tax base, and they are going to, they will have to make an adjustment. It was even suggested here that it would be the District that would make the determination. They would tell us what we would pay.

Now, just supposing that there was elected a group of people with this type of feeling; we will tell you, you ask us what you want, you tell us what you want, and we will tell you what the price is.

Doesn't it seem that this being the Capital City, this could become a little bit, just sort of a struggle for the Capital, for the government to operate in a situation like this? It could develop, and I could see this developing if we're turning it completely around, where we would then be saying to the city, we need to do this, will you please permit us to do it? And they say sure, we'll permit you to do it. We'll just add another half a billion onto your tax bill. Very simple, no problem.

This is an example, and this is only an example of what I can see happening in a capital city, where we have to have some flexibility.

MR. APPERSON. Well, I think that in that testimony, I mentioned in here that we would establish a liaison between the District government and the Congress. And I think that these questions that you bring up are not as serious as they might be.

I'm sure that there can be differences of opinion. We have that in communities and municipalities all over the country. Right now, right here in Fairfax, you took a stand in the committee yesterday; the Fairfax County Board, in trying to slow down the development in that county—well, it wasn't a very popular stand for them to take.

But nevertheless, they feel that due to the environment and the influx of people and the sewage problems that they've got a problem as to the influx of people; therefore, they feel there must be a slowdown.

I can't, Mr. Congressman, I cannot believe that there isn't an understanding that can't be established between the District government and this Congress that would be so insurmountable; and if you feel that there is such an insurmountable condition that could exist, then I think this is another part of this that you have got to seek out the answer. But I think to just turn our backs on it completely and say that they are not entitled to anything because of this one little condition, I would hardly not agree with that. I would think it can be worked out.

MR. LANDGREBE. OK, let us take another angle. Let us approach this from another angle.

Assuming that we are going to give these people the authority to run the city they would then have the authority to levy taxes.

Suppose that they levy an unreasonable commuter tax. After all, in this city, this Federal Government is in the heart of the city and whether we lift out the Federal—the Federal piece of territory, what

do we call this thing? The enclave—we lift that out or whether we leave that in, or how we do that, we still got to get people in here, and supposing there is a group of—and generally speaking, elected people or officials are really kindhearted gentlemen, but once in a while we have seen one that is hardnosed and they might slap on a substantial commuter tax, an unreasonable commuter tax, then what does the Federal Government do in this situation?

Mr. APPERSON. There again, I think that the District government would have a lot to say about it and the people that are in the District would have a lot to say about it; and again, I am not too sure that some type of commuter tax would not be justified. I do not know that this would be the position that it would be, but I am not too sure that somewhere along the line that some considerations in these directions may be possible. But I do not believe that the conditions that would exist because of the Congress and the group of people that you feel would get in office would try to put something on the people that the people would let it go that way. I think that we still have the ballot box. We still have the people who—we have hearings, just like this one, we have people appearing and giving the best possible advice that we can, and I think the fears are not that prominent, really.

Mr. LANDGREBE. I make no apology for taking a rather firm stand against home rule at this time. After all, we have a situation, not only the status quo, but by constitutional mandate and sometimes—and next I am going to get to this now—sometimes just efficiency dictates a certain form of government. It dictates even a form of government as we have here.

You state you are particularly concerned about the need to establish the right of all citizens and I want to protect the right of all citizens, but have not historically the people who live in the District—and I do live in the District myself; at least our residence out here is in the District—are not the compensating factors for people who live in the District of Columbia, who have come to the city, who work primarily for the Government or for people serving people who do work for the Government, they come here knowing—now it has been stated here today that some of them do not know that, that they do not have full voting rights, but are there not compensating factors that sort of smooth this out just a little bit? One man stated how well the people have done here during the depression, better relief programs than other parts of the country, steadier work and better opportunities and so forth. Are there not really some compensating factors even for your building people?

My goodness, I came here 15 years ago and we were building all over the place, we are building all over the place now. These Federal buildings are being built with union labor which is not too bad of a deal these days or any day, so really are there not some compensating factors which we can fairly look at and discuss in our deliberations?

Mr. APPERSON. I think you would like to have me say that there are some compensating factors for depriving the Nation's capital of self-government, of saying to the people of Washington they are not capable of doing the job that is being done in the communities and cities all over this world and in this Nation. I think it is a little bit of an insult to us to say that we do not have that kind of ability, and I think the fear that has been drawn about by the Congress and the

people who say that, for these who do not want home rule and do not want to give the freedom of democracy to these people are taking the position, now look, everything is going to go to pieces, to chaos, because we do this. I have more confidence in the American people, like the people before the revolutionary days had confidence that they could run this country when they split with England, when England said, we do not have that kind of confidence in you.

I have more faith in the American people, and the city of Washington, I am sure those people are capable of doing the job.

Mr. LANDGREBE. OK.

I believe that Mr. Hogan has one question.

Mr. ADAMS. Mr. Hogan, and then Mr. DePuy.

Mr. HOGAN. Mr. Apperson, I want to refer to your statement on page 2 where you talk about the Hatch Act restrictions on political activity.

Now, are you talking about the Hatch Act provisions as they relate to Federal employment?

Mr. APPERSON. Yes, sir.

Mr. HOGAN. Why would that affect particularly home rule?

Mr. APPERSON. Participation in getting people elected, participating of people in the Washington area.

Mr. HOGAN. Excuse me, Mr. Apperson?

Mr. APPERSON. Well, because of the fact that they are working in the Federal Government or are afraid or even hesitate to take a step to try to be active in their community to see to it that the proper people get elected.

Mr. HOGAN. Do you know how many employees there are in the government of the District of Columbia?

Mr. APPERSON. I do not know exactly, sir.

Mr. HOGAN. Well, there are 40,000 District employees—or 42,000, I believe was the statement in the testimony before this, before this committee. I do not know how many Federal employees there are here.

Now you live in Arlington County, is that correct?

Mr. APPERSON. That is correct.

Mr. HOGAN. Do you know how many Federal employees there are in Arlington County?

Mr. APPERSON. I do not know the exact number, Congressman, but I can assure you there are quite a lot of them.

Mr. HOGAN. I am not a Congressman, Mr. Apperson; I am minority counsel for the committee.

Just the same, don't you have the same problem in Arlington County that you would have in the District of Columbia? In other words, you have a large number of Federal employees in Arlington County, where the Hatch Act applies to local elections, is that correct?

Mr. APPERSON. Yes.

Mr. HOGAN. And you also have a large number of Federal employees here, and prospectively if you gave them home rule you are saying that the Hatch Act would need amendment to give them an opportunity to participate in political activity, local political activity, I gather? Is that right?

Are you concerned for the election of the local officials?

Mr. APPERSON. I am concerned for all people elected where the Hatch Act interferes with their participation.

Mr. HOGAN. So your comment here and your testimony here goes not necessarily to home rule but to the amendment of the Federal law across the country as it relates to the Hatch Act?

Mr. APPERSON. Well, you can take it that way. I was meaning that because of the fact that I was speaking for the District government that we were talking about, but I will say yes, I am speaking for them.

Mr. HOGAN. I do not wish to take it anywhere. What I am trying to do is clarify the testimony, does it apply across the board, not just to the District of Columbia?

Mr. APPERSON. That is right.

Mr. HOGAN. And as far as the District employees are concerned, I do not know whether you have had an opportunity to review the Nelson Commission recommendations, but there is a provision in the Nelson Commission report that there be established a District of Columbia personnel system that would take the District employees and establish a Civil Service Commission which for them basically the chairman was referring to.

Have you had an opportunity to look at that or review it?

Mr. APPERSON. No, I have not covered that too well.

Mr. HOGAN. Well, if you are interested, Congressman Nelsen was the chairman of the Commission, and if you would contact his office, I am sure that he would be happy to forward a copy of that to you. It establishes a local Civil Service Commission, as it were; and I think that if this committee is to take up the question of the local Civil Service Commission or the independent personnel system for the District of Columbia that that would be the time to get into a discussion as to what kind of provisions you want in that local—what would be your local enactment.

Mr. ADAMS. Mr. Landgrebe, have you got any additional questions?

Mr. LANDGREBE. One more question, if you please, Mr. Apperson.

As I understand your proposal, you would favor a 15-man government or council that would really have status equal to a legislature in a State, is that right? It would be the governing body for the District of Columbia?

Mr. APPERSON. Yes.

Mr. LANDGREBE. And you would have a mayor who would have somewhat a relative importance or layers of importance similar to a Governor of a State?

Mr. APPERSON. Yes.

Mr. LANDGREBE. And I do not know as it is in here, but it probably would carry through then, that you would favor a substantial, like a guaranteed payment by the Federal Government to this governing board for Federal installations, and so forth in the District.

Now, are you telling me that you really believe that the people of the District of Columbia are entitled to more than we permit people in any other place in the United States? Where in Chicago the mayor has to go down to Springfield, in Indianapolis, the mayor has to go over to the State house? We have our layers of government, the council of the cities and towns in Indiana are at the legislature every year demanding that we change this around and that they do what they

please, and only when the State legislature says "Thou shalt not" that they shalt not? And instead of as it is, they can do only what the legislature permits them to do.

So, are you really favoring something for the District of Columbia and with a guaranteed payment, that the people out there in the State have to levy taxes, raise their money? Is this really what you mean and what you are saying to us?

Mr. APPERSON. I think, to go back to what I said originally, I have the greatest confidence in the Congress of the United States, and I would like to think that they could establish a Federal payment to the District of which we would not have to, the District people would not have to come begging for the things to run its city any more than any other State body.

However, we are not asking anything that does not happen in any other city, community, State, or county. It is just as simple as that.

Mr. ADAMS. Thank you, Mr. Landgrebe.

Mr. DePuy?

Mr. DePuy. I have one question, Mr. Apperson.

On page 4 of your statement you say that the chief legal officer should be an elected officer whether or not his title is Corporation Counsel or City Attorney.

As I am sure you are aware now, the U.S. Attorney provides prosecutorial functions for felonies in the District. Are you also advocating that that function come under a locally elected prosecutor?

Mr. APPERSON. There again is a question for which, I think, the Congressmen, taken into their wisdom with references to what they decide; in reference to that, I have no particular position as firmed up as to say that that same elected official or person would be in the same position that he has now.

Mr. DePuy. Thank you.

Thank you, Mr. Chairman.

Mr. ADAMS. Thank you very much for your statement, Mr. Apperson, and gentlemen for joining him. We appreciate your testimony.

Mr. APPERSON. Thank you very much.

Mr. ADAMS. The final witness for today is Wilma Martin, president of the District of Columbia League of Women Voters.

Welcome to the committee. We have your statement before us, and as I have stated to the other witnesses, we would be pleased to receive your statement in full and enter it into the record, or you may read it and summarize, whichever you prefer.

Ms. MARTIN. Well, the statement is short, and it is more or less in the nature of a summary, so I think I will read it.

STATEMENT OF WILMA MARTIN, PRESIDENT OF THE LEAGUE OF WOMEN VOTERS OF THE DISTRICT OF COLUMBIA

Ms. MARTIN. I am Wilma Martin, president of the District of Columbia League of Women Voters. The League of Women Voters was organized in the District of Columbia in 1920. Ever since, the District of Columbia League has been coming regularly to the Hill to support self-government for the city.

We are delighted with this time around, that it is not "if" but "how." And we sincerely hope that with all the expert study and the dedication of many Washington citizens and Members of Congress, we can arrive at a satisfactory solution which will end colonialism in the Capital City of this democracy.

The Government Operations Subcommittee has heard the testimony of the Metropolitan Coalition for Self-Determination for the District of Columbia, which was given on April 3. The District League of Women Voters assisted at every stage in the formation of this coalition in order that the efforts of many organizations could be coordinated to achieve the goals they had been struggling for independently.

Members of the league participated in the task forces that studied the issues presented by this committee and their subsequent proposals for a satisfactory home rule bill. In general, we strongly support the recommendations presented by Mr. Sterling Tucker, chairman of the coalition, and by the chairman of the various task forces.

However, as some of you may know, the league studies in depth and obtains the views of its members on every issue on which it proposes to take a position. Insofar as we have studied the issues which this committee has suggested that it would like to have covered, we agree with the recommendations of the coalition.

On some issues, such as the size of the legislative body, terms of office, salaries, judicial functions, and specifics as to the relationship between the executive and the legislative body, we have not adopted positions, but we believe that the recommendations of the coalition should be given serious consideration. Specifically, as to some of the questions the commission has raised, the league believes that all legislative power should be transferred to the local government including those normally exercised by State legislatures.

We support a legislative body broadly representative of the community, elected in partisan elections, some by ward and some at large. The chief executive should also be elected in a partisan election and we favor his being given full authority to administer all city agencies and functions. Planning for the coordinated physical, economic, and social development of the city as well as regional planning for dealing with problems which cross jurisdictional boundaries should also be done at the executive level.

In order for self-government to be meaningful, it must include control over the District's budget and revenue. The locally elected government should have complete power to determine its priorities, adopt a budget, reprogram funds, levy taxes, and set fees. It should be able to decide its use of any revenue-sharing funds without prior congressional approval.

The Federal Government should continue to make an annual payment to the District because it is the Nation's Capital. In setting the amount of the payment, consideration should be given to such factors as the potential tax value of property owned by the Federal Government and other tax-exempt organizations, the services and facilities which must be provided to governmental and other organizations and their clients and employees, the constitutional limit on the area of the District, which permits no expansion, any congressional limitations which may be put on the District's power to tax and borrow, and the

services which the District must provide, which are ordinarily performed elsewhere by counties and States. The industry of Washington is government and the Federal Government should be expected to give to the District the kind of support that other major industries do to other cities, as well as special support reflecting the District's special role.

The Federal payment should be sure and predictable. If a formula for setting its amount is established, care should be taken to make sure that it is not tied to a shrinking tax base and that it will be adequate to meet foreseeable needs. In the absence of a formula, the practice of authorizing the payment a year in advance is most important.

The District should continue to participate in Federal grant and revenue-sharing programs as it does now. Such programs, which are available to governmental jurisdictions all across the country, are not in any way related to the Federal payment and should not be confused with it.

In view of the predictable increases in the cost of personnel services and everything else which the District must buy, we think it is unrealistic even to talk about lessening Federal assistance in the future. Insofar as additional revenue sources are concerned, the local government should be given unrestricted authority to tap whatever sources it deems necessary and advisable.

We urge the separation of Federal functions from those agencies, departments, boards, commissions, and so forth, which now exercise dual roles, the transfer of all local functions to the local government, with further reorganization of the local functions to be vested in the local government.

We believe the main objective of a home rule bill should be the delegation of full authority over local affairs to locally elected officials responsible to the citizens who voted them into office and the provision of sufficient flexibility in the bill for changes in structure and functions as time and experience indicate the need without returning to Congress for approval.

The transition from colonialism to democracy is not going to be easy and it is not going to be achieved overnight. We urge the committee to expedite it by promptly reporting out as good a bill as you can devise and letting the citizens of Washington strive to perfect their government as experience dictates.

Thank you for the opportunity to appear.

Mr. ADAMS. Thank you very much.

Mr. Landgrebe?

Mr. LANDGREBE. Mrs. Martin, I can ask you possibly the same question I asked the gentleman or the previous speaker. Do you feel that the District of Columbia, assuming that you would have something like 15 people in the governing body of the legislature or the City Council, is that what you had in mind about? City Council, 10, 15 or 8, or something?

Mrs. MARTIN. We have no position as to the exact amount. However, if the present system of eight wards is continued, it would seem that in view of our position that there should be a councilman or a legislator elected from each ward, that more than one legislator at large would be desirable, whether it's 11, or 13 or 15 we would leave to the discretion of Congress.

Mr. LANDGREBE. Well, have you heard of the Supreme Court ruling that forced the State of Indiana to apportion both of its houses in the State legislature on population basis and eliminated at large districts, and each member of the Indiana House and Senate now represents a certain given area, a certain number of people?

Why do you propose at large people in government? Why not divide them up with so many people in each ward? If you've got 15 wards, you've got 15 separate, distinct councilmen, council districts. Why the at large? In fact, the Supreme Court has forbidden it in Indiana.

Mrs. MARTIN. Well, I don't know the circumstances under which it was forbidden. However, it is our belief that with representatives from these separate wards who would represent the interests of the people in the ward where they lived, that it would also be desirable to have some at large delegates who then would represent the overall views of the city.

Mr. LANDGREBE. Another comparison with dear old Indiana, we have 100 House members. We have 50 Senators. That's 150 people in the legislature alone. We have in every town, in my own city of Valparaiso, a city of 20,000, there are 8 councilmen and a mayor. So for 750,000 people in Indiana, which would be, say, 20 percent of the State, there would be 30 State legislators and for 75,000, I don't know how many different town and city organizations, county councils, county commissioners. It seems to me that you people are again proposing, either something that's so simple, it can't possibly work, or you're proposing to give the people of the District of Columbia much greater self-determination than is permitted anyone else in the United States.

Maybe this is the new way to do it. Maybe we ought to try it. Maybe we could get rid of a lot of overhead down there across the country, if it would work, but it seems to me that you're suggesting an oversimplification.

Who's going to do the appointing? You're going to have 15 people and a Mayor. Do you propose that we elect the prosecuting attorney and the chief of police and the tax man? Are we going to have an array of elected officials or are these people going to run the thing and are they going to appoint the different heads? And again, how are the people having self-determination?

Mrs. MARTIN. We feel that the people in the District of Columbia should have the right to vote and to elect the people who govern them and that those people, the chief executive and the legislative body should be given full power to carry out the functions usually assigned to executive and legislative bodies, and I don't believe that the fact that—I don't believe that the District would be given something greater than the people have in the States.

There are certain differences which arise out of the fact that the District is a small, compact geographical area and it does not require the kind of setup that is necessary in a State, but the people would still not be given any greater power. It is simply the power of self-government which is the right that the citizens of all the States have.

Mr. LANDGREBE. But those 15 men would certainly—outlining the things that you suggest they do, the power to tax, determine for themselves what tax they felt they ought to impose, the permission to tap

the Federal Government—that you say, never to reduce the payment and never to lessen it, I believe was your words—and the fact that the industry, in your own words, the industry of Washington is government. This is home base for the greatest government in the world today, and you propose that we let 15 men and a Mayor be elected and that they have the authority to tap the Federal Government for what they think is a fair share, even though 535 Congressmen may disagree with this and never reduce the Federal payments, it seems to me to be giving these people something more than even the sultans of old had when they sat on the oil wells over there and it just doesn't seem that—

Mrs. MARTIN. We have not proposed that the District set the Federal payments. This is something which is going to have to be worked out by Congress and we would hope that initially, in the bill which gives the District home rule, that some agreement could be reached, some formula devised. We don't have a formula. We don't feel that we have the expertise to devise the formula, but either a formula or some basis for making a Federal payment which takes into account the criteria which we enumerated and this, of course, would be by—it would be done initially by act of Congress.

Mr. LANDGREBE. I certainly agree with you on that one line for sure and that is that the industry of Washington is government. It is not only the people who work in the government, but it is those 20 million people who come here to either do business or just to vacation or to visit their congressional friends and certainly, this city has a great opportunity to enjoy the prosperity of this tourist travel and frankly, as a member of Congress, not only living in the District, considering this to be our national seat of government, having some concern for the Hoosiers who come here to visit, we're going to have to carry on some dialogue before you convince me that we can carry this local government to the step that you propose in your statement.

Now, I believe you have one question, Mr. Hogan?

Mr. ADAMS. Mr. Hogan?

Mr. HOGAN. Mrs. Martin, you state here on page 3 that in the absence of a formula for the practice of authorizing payment a year in advance is most important. As you know, the Nelsen Commission addresses this problem also in its report. You realize, of course, that in effect today, the Federal payment is established virtually in perpetuity at a certain level. For instance today, if the Congress did nothing else the Federal payment would always be \$190 million, and it would continue on at \$190 million unless there were additional needs. It is only for increases where you need this advanced authorization.

In other words, let us assume that the needs of the District were to remain relatively static for the next 10 years and that \$190 million would take care of it. There would be no need to alter that law as I see it for those 10 years, because that \$190 million authorization would always be there, so I assume that what you mean here, is in the absence of a formula the practice of authorizing a payment a year in advance is only in those instances where there is an increased need in the District.

Is that correct, or do you understand my question?

Mrs. MARTIN. Well the District needs to know at least a year in advance what it can expect in the way of a Federal payment, and I am not sure that I understood what Mr. Fletcher said initially, and of course, on the basis of his experience in the District government he may have indicated that a little longer time was necessary.

We would say that whatever time was necessary to enable the District to make its plans, and on the basis of our information, we had thought that if they knew a year in advance what the Federal payment would be that that would be sufficient time.

Mr. HOGAN. But what it requires, quite frankly, is that it requires the initiative on the part of the District government to put together its budget and forecast its revenue, and forecast its expenditures about 18 months in advance. Let us assume that now we have the 1974 budget before the Congress, now if the District, according to the Nelsen Commission report, if the District wished to have an increase in the Federal payment for 1975 they should be initiating that request at this time, were they to accept the recommendation of the Commission, because if there is no increase in the fiscal year 1975 budget, then there is no need to increase the authorization for Federal payment. There was some misunderstanding; I was trying to clarify that.

Now as far as establishing the floor for the Federal formula or the Federal payments, that would be a new initiative as I understand as far as you are concerned, a new recommendation. Now the Federal payment is the ceiling and there is no floor; it is whatever the Congress appropriates for it. So you want whatever the figure to be an absolute and automatic figure. In other words, if the Federal payment is set at \$190 million, you do not want the District to go through the appropriations process with the Congress; you want the payment to be automatic without the appropriations.

Mrs. MARTIN. Well, we are not saying specifically what the provisions should be. We are thinking now in terms of what the home rule bill might provide, and of course, it could provide something different from what is the current practice.

We are simply saying that from our point of view we do not see how the Federal payment could be any less than it is now, and whether that floor, as you call it, is determined by taking the figure \$190 million and making that a floor or whether that is the same result is arrived at through a formula or some other type of provision, it would not matter. We are just talking about the end result.

Mr. HOGAN. Are you familiar with the Federal payment concept as included in the Nelsen Commission report?

Mrs. MARTIN. I am not sufficiently familiar with it to discuss it.

Mr. HOGAN. Has the League of Women Voters taken a position on that?

Mrs. MARTIN. On the formula?

Mr. HOGAN. On the Federal payment recommendation contained in the Nelsen Commission report.

Mrs. MARTIN. Well, we plan to—in about 2 weeks we are going to be meeting to decide which of the Nelsen Commission recommendations we are able to take a position on.

You see, we are somewhat limited in the things that we can take a position on by the fact that we must consult our members and do it

on the basis of within the scope of our position and there are about 450 recommendations in the report and I know we cannot take a position on all of them.

Mr. HOGAN. Well, you are talking about one of the most important ones, especially as it relates to home rule, I suspect.

Just a further question, here. You talk about a separation of a Federal function. Now the Nelsen Commission got into this separation of Federal and local functions, especially as it related to recommendations transferring authority back between Federal agencies and local agencies and one of the predominant recommendations in this area in the way of planning, were you here when this gentleman—I forgot what his name was who preceeded you, Warren Richardson—he talked about in effect putting a number, as you would in cost accounting, on particular functions performed to determine which were local and which were Federal, and you are talking here in your statement about the separation of Federal functions of those agencies, departments, boards, and commissions which now exercise dual roles.

Are you talking somewhat about the same approach?

Mrs. MARTIN. Well, I can give you a couple of examples. The National Capital Planning Commission would be an example of where the local planning could be separated and given to the local government and the Federal planning could remain in the NCPC. RLA is another example. I do not know whether you see it as a dual role, whether its role is primarily local, but it should be, I think we would support an abolition of RLA and transferring the functions of RLA to the local government.

Mr. HOGAN. Well, where would the predominant authority lie in that particular case?

Mrs. MARTIN. I do not believe there would be in that particular instance.

Mr. HOGAN. But in the planning function, I am talking about. In other words, would the predominant agency be the National Capital Planning Commission?

Mrs. MARTIN. Insofar as it related to Federal planning.

Mr. HOGAN. Federal interest planning.

Mrs. MARTIN. Yes.

Mr. HORAN. Thank you.

Mr. ADAMS. Mr. Landgrebe, one more question.

Mr. LANDGREBE. One more question, I promise, only one.

Mrs. Martin, has the thought ever run through your mind that perhaps the people of the District of Columbia are the most over-represented people in the United States.

Mrs. MARTIN. No, that never occurred to me.

Mr. LANDGREBE. There are 535 Members of Congress. I have never turned one away from my door. I have never had very many people come, but I have had people come from the District and realizing that they lived in the Capital City and that by Constitution, the Congress has the responsibility to see that the people here are served and that they are protected and that they are certainly treated well. I have not turned them away.

We have had the fun of taking care of some rather unusual problems with some of these people. We are right here. We are available to

them. Certainly, if they go to my office and I turn them away and they go to Mr. Adams' office, I am sure they would get a favorable treatment.

Well, in Indiana, it is impossible for people to see their Congressman. We are out here, they cannot come to see us, but many of them do.

When I say there are compensating factors to people who live in this District, I am just not trying to kid myself and I would not try to kid you, so I really think that there is some validity to my question, at least to the idea as to whether we will ever give any serious thought to it.

Mrs. MARTIN. Well, the purpose for which the League of Women Voters was formed was to encourage and foster citizen participation in Government, and we believe that there is nothing that can compensate a citizen for the loss of his right to vote, to elect his own officials and to hold them responsible.

Mr. LANDGREBE. Thank you, Mr. Chairman; I appreciate it.

Mr. ADAMS. Thank you, Mr. Landgrebe.

Thank you very much for your testimony, the committee appreciates it and we know of your interest in it.

The committee will stand at recess; we will reconvene tomorrow, April 11, at 9:30 in room 1310 of the Longworth Building.

The committee will stand at recess until then.

[Whereupon, at 4:33 p.m. the hearing in the above-entitled matter were recessed to reconvene Wednesday, April 11, 1973 at 9:30 a.m.]

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA, AND REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

WEDNESDAY, APRIL 11, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:55 a.m., in room 1310, Longworth House Office Building, Hon. Brock Adams presiding.

Present: Representative Adams [presiding], Delegate Fauntroy, Representatives Landgrebe and Symms.

Also present: James Clark, legal consultant; John Hogan, minority counsel to full committee; Jacques DePuy, counsel to the subcommittee; and Anne Darneille, subcommittee staff.

Mr. ADAMS. The subcommittee will come to order.

Our first witness this morning is Diana Josephson of the Study Group on D.C. Government of Metropolitan Washington Planning and Housing Association.

Come forward, please.

[The prepared statement of Ms. Diana Josephson follows:]

TESTIMONY OF DIANA JOSEPHSON, CHAIRMAN, THE STUDY UNIT ON D.C. GOVERNMENT, THE METROPOLITAN WASHINGTON PLANNING & HOUSING ASSOCIATION

Mr. Chairman and members of the Committee: My name is Diana Josephson and I am here representing the Metropolitan Washington Planning and Housing Association (MWPHA). The MWPHA is a 40 year old citizens membership organization which serves in particular as an advocate for low- and moderate-income residents of the National Capital Area in the fields of planning and housing. We are here today to give our full support to the immediate enactment of local self-government for the District of Columbia and to present our views as to the specific focus such self-government should take.

In general, MWPHA is in strong support of the position enunciated before this Committee on Tuesday, April 3, 1973, by the Metropolitan Coalition of Self-Determination for D.C. (Congressional Record, Vol. 119, No. 51, April 3, 1973). Specifically, with respect to issues relating to the Federal "function" in the District, MWPHA adopts the position of the Metropolitan Coalition *in toto*.

With respect to issues relating to government form and organization, MWPHA adopts the position of the Metropolitan Coalition with the following additions and exceptions. First, MWPHA is extremely concerned that all resident employees of both the District and Federal Governments be free to participate fully in elections for both the Mayor and District Assemblymen. If the Hatch Act precludes such participation, then we would urge that the elections be non-partisan.

Second, we consider that both the Chairman and Vice-Chairman of the District Assembly should be elected by the Assembly from amongst its total membership. While we recognize that there might on occasion be conflicts between constituency's demands on ward-elected Assemblymen and the city wide func-

tion of Chairman, we feel that maximum flexibility should be given to the Assembly to select the best qualified Chairman possible. The Assembly's operating rules and procedures can provide the necessary mechanisms for dealing with any such conflicts.

Third, MWPHA urges the Committee to transfer to District Government the functions of the Pennsylvania Avenue Development Corporation, authorized by the 92nd Congress, which has removed from local control some of our most vital properties along the north side of Pennsylvania Avenue, N.W., as far north of F Street, N.W. The Corporation's Board, yet to be appointed by the President, has total control of that area. In MWPHA's view, this represents a further fragmentation of the local planning and development authorities which the Nelsen Commission has recommended be overcome.

Fourth, and of most significance in our view, MWPHA urges that the Committee consider basing the election of ward Assemblymen on the nine Service Areas rather than on the eight school wards, weighting the number of Assemblymen in accordance with the number of persons residing in each Service Area. As the Committee is aware, District Government has, for the last three years, increasingly been organized for data, planning, operational and budget purposes on the basis of the nine Service Areas. (See map.) These Service Areas reflect both administrative needs and community identity. New working relationships between the Executive Branch of government and residents of each Service Area have been established, initially on an informal basis but for the last year on a formal basis through the elected Service Area delegations to the Bicentennial Assembly. To establish the District Assembly, the legislative branch of government, on the same basis would reinforce the progress towards rational and responsive service delivery which has already been achieved and would enable ward Assemblymen immediately to deal with the specific operations of District Government as they affect their constituents.

School ward boundaries, on the other hand, are purely arbitrary, reflecting neither the administrative needs of the other major operational agencies nor community identity.

MWPHA recognizes that there are difficulties involved in applying the one man-one vote rule to the Service Areas since there are wide variations in size of population from 41,413 in Service Area No. 9 to 126,237 in Service Area No. 4. However, it considers that the concept warrants further exploration and would welcome an opportunity to work with the Committee and its staff of this issue.

With respect to issues relating to electoral function and judicial functions, MWPHA adopts the position of the Metropolitan Coalition with the following additions. First, MWPHA specifically recommends that the election of the public prosecutor should *not* take place at the same time as that for the Mayor. In this way, he will not form part of a Mayor's slate and his independence of District Government will be further enhanced. Second, MWPHA urges that the proposed Judicial Selection Committee should be limited to residents of the District of Columbia, and that, as the proposal is refined, serious consideration be given to both the method of selection of members and to the provision of community representation on the Committee, possibly by Service Area, so that the Committee may be representative of the total D.C. community and also independent of District Government.

With respect to issues relating to local financial authority and Federal-District relationships, MWPHA adopts the position of the Metropolitan Coalition *in toto*.

We appreciate the opportunity to have testified here today.

**STATEMENT OF DIANA JOSEPHSON, CHAIRWOMAN, STUDY GROUP
ON D.C. GOVERNMENT, METROPOLITAN WASHINGTON PLAN-
NING AND HOUSING ASSOCIATION; ACCOMPANIED BY RALPH
FERTIG, EXECUTIVE DIRECTOR, METROPOLITAN WASHINGTON
PLANNING AND HOUSING ASSOCIATION**

Ms. JOSEPHSON. Mr. Charman, I would like to introduce our executive director, Mr. Ralph Fertig, on my right, and to apologize for Ms. Marie Barksdale, who is our president, who is unable to be here this morning.

My name is Diana Josephson, and I am here representing the Metropolitan Washington Planning and Housing Association, which is a 40-year-old citizens membership organization which serves in particular as an advocate for low- and moderate-income residents of the National Capital area in the fields of planning and housing.

We are here today to give our full support to the immediate enactment of local self-government for the District of Columbia and to present our views as to the specific focus such self-government should take.

In general, our organization is in strong support of the position enunciated before this committee on Tuesday, April 3, 1973, by the Metropolitan Coalition for Self-Determination for D.C. Specifically, with respect to the issues relating to the Federal function in the District, WPHA adopts the position of the Metropolitan Coalition *in toto*.

With respect to issues related to government form and organization, MWPHA adopts the position of the Metropolitan Coalition with the following additions and exceptions. First, we are extremely concerned that all resident employees of both the District and Federal Governments be free to participate fully in elections of both the Mayor and District Assemblymen. If the Hatch Act precludes such participation, then we would urge that the elections be nonpartisan.

Second, we consider that both the Chairman and the Vice Chairman of the District Assembly should be elected by the Assembly amongst its total membership. While we recognize that there might on occasion be conflicts between constituency's demands on ward-elected Assemblymen and the citywide function of Chairman, we feel that maximum flexibility should be given to the Assembly to select the best-qualified Chairman possible. The Assembly's operating rules and procedures can provide the necessary mechanisms for dealing with any such conflicts.

Third, we urge the committee to transfer to District government the function of the Pennsylvania Avenue Development Corporation, authorized by the 92d Congress, which has removed from local control some of our most valuable properties along the north side of Pennsylvania Avenue, NW., as far north as F Street. The Corporation's board, yet to be appointed by the President, has total control of that area. In our review, this represents a further fragmentation of the local planning and development authorities, which the Nelsen Commission has recommended be overcome.

Fourth, and I'd like to insert this, since it has just been drawn to our attention—we support the election for Mayor being held in the same year as the Presidential elections, so that the elections should be staggered, you know, in conformance with that timetable.

Fourth, and of most significance in our view, MWPCHA urges that the committee consider basing the election of ward Assemblymen on the nine service areas rather than on the eight school wards, weighting the number of Assemblymen in accordance with the number of persons residing in each service area.

As the committee is aware, District government has, for the last 3 years, increasingly been organized for data, planning, operational, and budget purposes on the basis of the nine service areas. We have attached a map to our testimony for your information.

These service areas reflect both administrative needs and community identity. New working relationships between the executive branch of government and the residents of each service area have been established, initially on an informal basis, but for the last year on a formal basis through the elected service area delegations to the Bicentennial Assembly.

To establish the District Assembly, the legislative branch of government, on the same basis would reinforce the progress toward rational and responsive service delivery which has already been achieved and would enable ward Assemblymen immediately to deal with the specific operations of District government as they affect their constituents.

School ward boundaries, on the other hand, are purely arbitrary, reflecting neither the administrative needs of the other major operational agencies nor community identity.

MWPCHA recognizes that there are difficulties involved in applying the one-man-one-vote rule to the service areas since there are wide variations in size of population from 41,000 in service area 9 to 126,000 in service area 4. However, it considers that the concept warrants further exploration and would welcome an opportunity to work with the committee and its staff on this issue.

With respect to issues relating to electoral function and judicial function, MWPHA adopts the position of the Metropolitan Coalition with the following additions. First, we specifically recommend that the election of the public prosecutor should not take place at the same time as that for the Mayor. In this way, he will not form part of a Mayor's slate and his independence of District government will be further enhanced.

Second, we urge that the proposed Judicial Selection Committee should be limited to the residents of the District of Columbia, and that, as the proposal is refined, serious consideration be given to both the method of selection of members and to the provision of community representation on the committee, possibly by service area, so that the committee may be representative of the total District of Columbia community and also independent of District government.

With respect to issues relating to local financial authority and Federal-District relationships, MWPHA adopts the position of the Metropolitan Coalition in toto.

We appreciate the opportunity to have testified here today, and I would be very happy to answer any questions that you may have.

Mr. ADAMS. Thank you very much, Ms. Josephson. I have a question about your service area concept.

It is a very intriguing new possibility, but I gather from the great disparity in numbers of people in each service area that certain ones have been made smaller because of greater problems involved. I don't quite know how we can reconcile one man, one vote with the service areas. You indicate that you would be happy to work with the staff with it, and we will be happy to do that, but please give me some idea of how we reconcile those two concepts and in some way move toward your idea, while I think is a good one.

I think the purpose of government is the delivery of service.

Ms. JOSEPHSON. Well, our thought is that there are two alternative possibilities. One is that you could have one person for each service area with different weightings being given to votes. That is one way of doing it.

The other way is to give additional representatives to the larger service areas than the smaller ones. In actual fact, the size of the areas does not reflect problems, per se, because the smallest area is the downtown area, and it reflects the fact of a small residential base in that particular part of the city.

We were thinking of some such formula—of you know, one person for every 30,000, 40,000, 50,000—you know—whichever would seem appropriate. That then gets into questions of the size of a District assembly, in order to—you know—get near the one man-one vote, you would have to have a much larger body than is currently being considered.

These are the kinds of questions which we would want an opportunity to work further on, so we could come up with a more specific recommendation to you.

The reason we wanted to raise this for your consideration here is that the way the current proposal—you know, the current form of government is being proposed—we would have city councilmen elected

on the population basis, which bears absolutely no relationship to the institution which they are supposed to be setting policy for.

Now, you could say, why not reorganize District government again? The problem is that the District government, delivery of service doesn't really follow—you know—exact divisions of population. The school ward boundaries are done in such a way that blocks are cut in half, for example, in order that the exact population split may be achieved. One of the basic problems with the school wards is that the Anacostia area, across east of the river, about one-third of our population lives east of that Anacostia River, and it was impossible to divide that area in half, which would reflect the actual administrative and community realities. So much so that under the current school ward boundaries, a large portion of that community is placed with the Capitol Hill area across the river.

Now, there is no way that, for example, fire services or police services should really be organized to cross the Anacostia River. It makes no sense from the point of view of delivering any government service, nor are there any community identity, are there any feelings of community identity across the river. So that from an administrative point of view, it would be impossible to use the school wards.

Similarly with Rock Creek Park. You know, that's another very major boundary in the city. The B. & O. R.R. right in the center is another major boundary.

I might say, in adopting these boundaries, when the District government did so, only two groups in the city had problems with the boundary selection, and those were around the H Street, northeast area, which falls between service area 6 and service area 5. This was, this particular boundary, was chosen because of the model cities program, which was synonymous with service area 6.

So, I am not clear at this point—our organization is not clear on how you deal with the very problem that we raised, but we think that the advantages would be so obvious that it deserves some very serious consideration.

Maybe you have something to add to that.

Mr. FERTIG. As you pointed out, the possibility of weighting representation so that, for example, the small—if you did it on a one to 50,000 basis, the small service areas would have one representative, the large would have three—it would produce about 14 members elected from the service areas, and we had suggested another five be elected at large. That would increase the size of the projected assembly to 19, rather than 13.

We think that is still workable and it would be much more representative and responsive. Another way of doing it, of course, would be to divide the service areas themselves. You see, they do conform to census tract lines, and there would be the possibility of some subdivision, so that some service areas, rather than electing three persons at large, say, would be subdivided into three wards, or three separate constituencies. But again, these are things that could be worked out.

Mr. ADAMS. I have no further questions.

Mr. FAUNTROY?

Mr. FAUNTROY. Yes. I would just like to continue for a moment the very useful discussion of this service area concept as a vehicle for representation.

You indicate that one possible solution is to provide some of the service areas with more representatives on a one man-one vote basis. I take it you mean, really, subdividing the service so that no one runs at large within a service area?

Ms. JOSEPHSON. Yes. You could have them run at large, or you could have them subdivided. This would be something that would have to be explored.

Mr. FAUNTROY. Well, you would lose the service area identity if you did it at large.

Ms. JOSEPHSON. Right.

Mr. FAUNTROY. So I think that is one of the things that we should explore.

Mr. FERTIG. I think that we would prefer that, Mr. Fauntroy.

Mr. FAUNTROY. Well, I think it would not serve any useful purpose to go on with this discussion at this point. You have suggested that we, perhaps, sit down and talk with you about it, exploring that possibility. I think it's a very useful one.

Mr. FERTIG. I only want to stress one thing.

Having worked with Fauntroy, I am sure he fully appreciates the need for relating that government to the people's own life pattern and consciousness. Ms. Josephson spoke at length about the need related to the administrative units of government. As a sociologist and a social worker. I would say that there is an equally important basis for relating areas of representation to the life patterns and the identities of people in the communities. I think that is just an enormously important factor, in order to be able to have accountability and relationship between elective representatives and persons by whom they were chosen.

This was an important factor in the development of the service areas concepts. It is a more alive concept today, in terms of community organization. Now, the delivery of services from the private sector, as well as the public sector, from the settlement houses and the Health and Welfare counseling agencies and the Bicentennial assembly, so it has become an important life pattern consideration in our city.

Mr. ADAMS. Thank you, Mr. Fauntroy.

Mr. LANDGREBE?

Mr. LANDGREBE. I came in just a little bit late, but I would like to try to probe just a little bit into your thinking on this matter.

Do you embrace the Supreme Courts' one-man, one-vote concept of government?

Ms. JOSEPHSON. Well, sure.

Mr. LANDGREBE. Wouldn't it, then, be necessary, in any way, under any system that the city was divided, that it would in individual areas of responsibility, each electing their one representative—whether you call them councilmen or Senator, whatever he is—wouldn't it be necessary to determine the number of people that you would have in the governing body, whatever it is called, and they would represent certain areas of population, population areas. This would preclude any at-large members.

Ms. JOSEPHSON. Well, we favor having something like five at-large members in our ratio. We are only discussing the basis on which the ward-elected Assemblymen, the concept of the ward, that concept. Our thought is that there are advantages to applying—you know,

feeling out how to apply the one-man, one-vote rule to the service areas, rather than automatically accepting the school ward boundaries, which, after all, only relate to one agency of District government.

There are some 17 or 18 other operational agencies, who are all organized on the basis of the service areas to deliver their services.

Now, it is in the mechanics of how this should be applied that the further thought needs to be given. But, for example, if you—in the last 3 years—this will be the third year now—the entire Capital program for the District of Columbia has been taken out for community review by service area. The actual document has been totally reorganized, so that the residents of each service area can find out what is proposed for the next 6 years by the entire range of services in the District government in terms of physical construction.

Similarly, last year the operating budget went out for community review. This is in the formulation of the Executive budget by the Mayor, so that when he makes his final decisions on the budget he recommends to the City Council, he has the benefit, not only of the professionals inside District government—who, in one sense you can say are special-interest advocates for their own particular departmental function—but also of the community at large, you know, who looks at the total impact of these programs, as far as they affect their community.

Now, this is a well-established program. It would build very nicely, it seems to me, into a further review by an elected legislative body—you know—which would have the budget material all organized by their—in accordance with their ward boundaries, so that they could easily see what the impact of government services was going to be on their constituents. In case of citywide functions like Blue Plains, you know, many of the programs which cannot be dealt with on a neighborhood level, they should be separated out. They would be dealt with on that basis.

Another example is census data. As Mr. Fertig pointed out, the service areas are based on census tracts. Therefore, the 1970 census data, it has been possible to analyze that by service area, identify what the profile of needs is for that particular area, and then begin to analyze how the programs, which are being delivered by government, actually mesh against those needs.

Now, school boundaries bear no relationship per se to census tracts. It's also been the thought of District government that if and when its planning office really took off, and became a reality, that goals and priorities could be set for the city using a similar concept, and that the plans for the city would be developed both at the citywide level and at an area level.

Obviously there are very real differences between the needs of an area, such as Anacostia, and the needs of a downtown, or the needs of west of Rock Creek Park. And the government has to recognize the overall needs as well as the specific differences in each area.

Now, from—Mr. Fauntroy's an ex-City Councilman, he can probably appreciate the kind of practical problems which I am talking about, maybe others who have been in municipal government. But if you're dealing with a whole package, a billion dollar budget, a billion dollar operation, it is very difficult to put your finger on specific impli-

cations of the total operation to any given neighborhood. And we think there is some very real usefulness to somehow incorporating this work that's already been done to rationalize and improve service delivery in the District government, and to make the benefits of that available to the new legislative body.

I don't know if that—

Mr. LANDGREBE. Wouldn't the Mayor run at-large? Wouldn't he have an overall concern?

Ms. JOSEPHSON. Well, sure. But you know, your Mayor, elected at-large, when you face a city with wide differences in neighborhoods, and problems, and incomes, you would need to know what the problems are in any given area of the city, and then how your programs meet or do not meet those needs as a rationale basis for then deciding what your policy decisions are going to be, and what new programs you may institute.

For example, one of the things the analysis of census data shows is that there's a very high aged population west of Rock Creek Park, which is not affluent, because many of them are living on social security. Yet, to my knowledge, there is no program, you know public program, for the aged in west of Rock Creek Park.

Another obvious example is the youth population, you know, the median age, in service areas 3 and 4 across the Anacostia River is something like 21 years; the median age of the population of 230,000 people. Whereas, in west of Rock Creek Park, it's something like—it's in the fifties. I forget the precise figure, 51, 52.

Now, those are gross examples. But when we get to problems of drug addiction, you know, you need to be able to pinpoint where the specific localities of your problems are, so that you can then direct your programs. And I think that the tools which this provides to a mayor should also be provided to a legislative body.

Our Mayor now has that. An elected mayor would have the benefit of this system.

Mr. LANDGREBE. What difference would there be from one district to the other as far as government services, the standard services? It would apply that a city normally provides streets, pure water, education, police protection.

Shouldn't these be across the board, or across the city? I don't follow you at all when you talk about particular problems of areas in relation to city hall.

It seems to me that city hall has—whether it is with individual Congressmen or councilmen or at-large, the people of the city should expect, wherever they live, basic standard services, and certainly they are entitled to equal services. Now, maybe when we get into the welfare state concept of special social involvements, which I think we are finding out in America today, working from the Federal level, are not really the answer to things; perhaps here is where the churches and private organizations can move where the problems are, and handle it properly.

This ideal—may I pursue just a second this idea of self-government?

Now, you do say local self-government, and the word local gets you off the hook a little bit because you're talking specifically about the local government problems. But we do hear a good bit of talk about

home rule, and do you know of any place in the world where there really is home rule, any nation, any State, any place where there really is home rule?

Ms. JOSEPHSON. Well, I guess you have to define home rule in terms of whatever particular city you are talking about. In my own home town, my original home town of London, when I was being brought up there, we certainly, as a resident of the capital city, we elected our local self-government. And even in the center of the city—well, you know, then it was the London County Council and now it's the Greater London something or other.

The Greater London Council has control, total control, of what is being decided on purely local functions. And the division there is somewhat analogous, it would seem to me, to the division between the definition of what is a Federal function in this country, and what is a State function.

Now, in this particular instance, we happen to be trying to define what the dividing line should be between the Federal function in this town and the local function. And obviously, to precisely draw the line, it is always difficult.

We, in our review of the self-determination, Coalition of Self-Determination's testimony, we found a definition acceptable, and that's why we endorsed it. But I would like to get back to also what you referred to earlier, which is that obviously we support the concept of an equal level of service to every resident of the city.

But, in order to achieve that, even for example in a standard service such as solid waste collection, trash pickup; depending on your population density of a given area, there's going to be more trash generated than in other areas. That's one practical thing.

Second, since our trash in this town is only picked up by the city from single-family dwellings and apartment units of four units or less, the amount of manpower which has to be assigned to any given area will depend on the type of buildings that exist in that area.

Now, if I am responsible for solid waste collection, therefore, I may accept the concept of equal level of service, but I have to refine for the achievement of that—what the givens are in any geographical area, one problem. Second, I also have to relate my service to those services of other agencies. This is something which has been achieved to some degree.

Let me give you an example, also dealing with the solid waste system. When the service area system was first introduced, one of the first examples which they were called to deal with was the fact that schools had unilaterally decided to use paper plates and cups in all of their cafeterias. This they did with no consultation at all with the then department of sanitation.

So, suddenly come September, there are mountains of trash outside all schools in the District. You know, there's no provision for additional manpower for trash pickup, any new service of any kind.

Second, of course, there was a loss of jobs for all those persons who'd previously worked in cafeterias, you know, doing the washing up, the clearing of tables and so on.

Now, if you are a mayor, you're trying to get the most efficient service in town; you need to know how your services interrelate, and the fallout effects of the change of one service on, you know, someone else

who's trying to provide another service; and in many cases, those are going to interrelate on a neighborhood level.

I gave you a citywide example. A local example could be high school, a junior high school, which has a drug addiction problem, which is another case that we had. Well, the problem was there were 23 exits in the school. The fire chief said, you've got to keep them all open under the fire regulations, and the police said, we can't man 23 exits.

As a result, the parents were irate. Well, you know, you have to coordinate all those services on a specific geographic basis in order to deal with that specific problem. So you have to divide your problems and also your service depending on what it is that each of them is supposed to achieve.

I am suggesting that, you know, city council will be faced with exactly the same kinds of issues as they try to set policy for District government within their arena, legislative and otherwise; and that the tools they need—they need the advantage of the same tools that the executive branch now has.

Mr. LANDGREBE. How many people do you consider would be on the ballot, how many elected officials do you envision should this, your local self-government concept be embraced by this Congress, or whoever is going to make the final determination?

How many people would you consider would be elected officials of this city of 750,000 people?

Ms. JOSEPHSON. I can only speak personally, because our association—

Mr. LANDGREBE. That's all I asked you.

Ms. JOSEPHSON. Personally, I would say somewhere up to 25. I think that's a manageable group for city council.

Mr. LANDGREBE. And you would suggest we elect 25 people total to handle a billion dollar a year budget?

Ms. JOSEPHSON. That's the size of the current House District Committee, is it not? This is—

Mr. LANDGREBE. Do you realize at the present time, we have a District Committee here, a District Committee in the Senate, we have the White House, and we have the city hall?

Now, if you were to live in Indiana in a town of 20,000 people, you'd have eight councilmen, you'd have a mayor, you would have the clerk-treasurer of the city; then you would have a county level, and you would have commissioners, county councilmen. You would have assessors and a sheriff and a whole raft of elected people. Then you would have a State level of people.

My honest opinion is that to give a billion dollar budget to 25 people—wouldn't it develop the most horrible political machine that the world will ever know? And this is my personal opinion. There would be people spending hundreds of thousands of dollars to get one of those spots, because this thing would be all powerful.

And while I am not questioning, I am speaking, I can't believe under that system that people of this city would have as fair a consideration as they have go today under the programs of this city, the way it has developed over a period of years.

Now, I'm going to ask you one more question, and this is a sincere question: If London has home rule, they have the kind of things you are trying to tell us they have, what brought you to America?

Ms. JOSEPHSON. I married an American.

Mr. LANDGREBE. You married an American.

Ms. JOSEPHSON. It was not a political decision. It was very personal.
[General laughter.]

Mr. LANDGREBE. Thank you. I will accept that.

Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you, Mr. Landgrebe.

Mr. Symms?

Mr. SYMMS. Thank you, Mr. Chairman.

There was a bill introduced here last year by Congresswoman Greene about retrocession to Maryland and cutting out the Federal enclave, and then having a payment for the Federal enclave, plus a retrocession payment to the State of Maryland until it was absorbed; until which time it could become self-sustaining with the State.

How do you feel about that?

Ms. JOSEPHSON. Again, I'm talking personally because our association has not a position on that. But personally, I am opposed to it. I feel that the District of Columbia has a community identity, which is real, that as the Nation's Capital, it should have, you know, the specific recognition that being a city-State would give it.

And I don't think we should just somehow disappear into the larger entity of Maryland.

Mr. SYMMS. Yet, now, through your whole discussion you talk about increased services to the people in the District through the local government. That's your primary objective.

But what's the—

Ms. JOSEPHSON. Improved services, I mean I'm not necessarily saying there should be a \$2 billion budget, that's more for the money and resources that we have.

Mr. SYMMS. Well, I was just thinking about that. That was my next question. It's a billion-dollar budget now, and I was wondering if we got it so that it was working like you were hopeful it would, I wonder if it would cost more money, mean more services—you know, you can take a Sears, Roebuck catalog and list all the needs that people have. It takes usually about a half a page to list how much they can pay for.

I'm wondering what your plan is on paying for all of the service and so forth. Another appropriation from the Federal Government, or increased taxes to people that live here, or what is it?

Ms. JOSEPHSON. I think my experience is—working with the budget review, you know, which has been conducted—is that when, you know, there is sort of a universal rule when people are faced with the cost of what they want, they then begin to deal with the realities of making choices.

This is something this town has not had in any real sense the responsibility of doing, or the luxury of doing. It's all, you know—when somehow there is a very complicated process which results in you going up to the Hill, which to many people in town is a very remote place, and a very remote institution, and fighting for your school or for your library or for your health programs, whatever it is.

Mr. SYMMS. That's not only people that live here that feel that way.

Ms. JOSEPHSON. But when we have talked at the neighborhood level about the fact that there isn't an open field day, there are choices to be made and that in the Capital construction area, for example, the loans have to be repaid and the debt service comes out of the operating budget so you have a choice between increasing your debt service for buildings, then ending up with, you know, decreased operational funds to pay for the people going to the buildings to deliver the service. Then we have discovered that just as the average person with a house-keeping budget, you know, that there is a totally different level of discussion which ensues and I think that that is exactly what would happen if this process was developed further so that we actually were ourselves dealing with our allocation of resources.

There is nothing tougher than a neighborhood on itself in one sense, where there is a certain amount of money to go around and everybody wants to see a particular service adopted.

Mr. SYMMS. But you still have no plan as to how to pay for the local government, other than the way it's being paid for now?

Ms. JOSEPHSON. Well, that's correct, but we have—you know, a very large portion of our resources, come from our own taxes. We then, you know, we do support, obviously, the concept of the Federal payment being continued because we pay for many of the services which benefit the Federal Government.

In addition, much of our real estate is nontaxable so we assume that there will be some provision for continuation of that and then as a city-State, we will presumably be eligible as are other jurisdictions for national funding for programs which the Congress determines are in the national interest.

I think it would be—I think we can do more with what we have and this is true of most jurisdictions—and I think we will.

Mr. SYMMS. I thought Mr. Landgrebe made a very interesting observation and it had some merit, too, I might add, about the fact of having 25 people having control of a \$1 billion budget. Would you, in any way, want any type of a perusal by the Congress, or do you want complete control of the \$1 billion budget for those 25 elected officials?

Ms. JOSEPHSON. I think the elected officials should have control and if the question before—you know, if you have a problem with there being only 25 and then it seems to me the answer is to increase the number of assemblymen until you reach a ratio which satisfies you. In actual fact, it would make it easier on that basis to adopt the service area concept which we support.

Mr. SYMMS. You said you agreed with one man, one vote, that you agree with the fact that people pay for something they should have a right to say so and how the government is run, so that the Federal Government makes a payment whether it be here in Washington or in Idaho, that they should be able to tie strings on it.

Ms. JOSEPHSON. I can see the—

Mr. SYMMS. Do you see what I'm getting at?

Ms. JOSEPHSON. Yes; I see what you're getting at. If you make a Federal payment to the District, you should be able to control what is done with that Federal payment. I would have less problem with that than using that for the rationale for controlling the money we contribute, which is the way it works now. But I would hope that rather,

you would say, as you do to other States when you make grants, that this is up to the local initiative, and since I assume that there will be some provision—obviously, even without provision, you can overrule any act of our local jurisdiction, that you would use that way of controlling rather than making us continue to come here because once you do that, then you negate—you keep us exactly where we are now.

Mr. SYMMS. Well, I'm simply dealing with the problem here in the District because in my State, 70 percent of the land is owned by the Federal Government and we would like to have home rule and especially a Federal payment there, too. But I think that there are some problems here that aren't quite answered to my mind as to how this is going to be paid for and you know, have a feasible, workable government that's better than the one we have now. We wouldn't want to change it just for the sake of change, I wouldn't think.

Ms. JOSEPHSON. Well, I don't think the question myself is one of resources. Personally, I think we have a very reasonable level of resources at this particular point in this town. In my experience in District government, part of the problem is shifting attitudes and work experiences of civil service, a very large civil service of which many of whom have had their formative years under the three commissioner system.

To give you a practical example, we had one of the first little problems that came up in the service areas when we got the agencies in these neighborhoods talking to each other was the fact that the recreation manager for a building in the same block as the library had never talked to the librarian and did not know that the libraries threw out their books when they reach a certain stage and was horrified because I have kids in my program who have never had a book and so they made the arrangements to wheel the books down one block.

Now, that's where we were in 1970, as far as interagency communication at the field level. Now, to talk about efficiency obviously, that's an inefficient way of running a government yet you're dealing with people whose work patterns are being established in an institution where there was very little communication at the top and you know, almost zero communication anywhere from down to the lower levels so that. I think, a lot can be achieved by changes in operations, changes in the way things are done, which do not result in an increase in budget but result in a different way of doing what you're doing already.

Mr. SYMMS. Thank you very much for your testimony. No more questions, Mr. Chairman.

Mr. FAUNTROY. Counsel?

Mr. DEPUTY. No questions.

Mr. FAUNTROY. Counsel?

Mr. HOGAN. Yes, Mr. Chairman.

Mr. Nelsen could not be here and he suggested that I ask some questions, if I may.

Ms. Josephson, as far as your organization is concerned, you are mainly interested in planning and housing? Correct?

Ms. JOSEPHSON. That's correct.

Mr. HOGAN. Now, are you satisfied with the way the housing and planning are organized in the District government now?

Ms. JOSEPHSON. No, we are not.

Mr. HOGAN. Have you had an opportunity to read the Nelsen Commission report?

Ms. JOSEPHSON. Yes, we're preparing a position on housing and community development.

Mr. HOGAN. Now, as far as recommendations are concerned in that report, don't you think that there should be some changes, legislative and otherwise?

Ms. JOSEPHSON. Yes, I do. Our position is that the local planning function of NCPC should be transferred to District government, that the RLA and the NCHA should also be transferred to District government recognizing that are some important bonding issues against the transfer of the NCHA and we also raise—in other words, we support the Metropolitan Coalition which deals with that as part of its testimony.

But in addition, we address your attention to the Pennsylvania Avenue development corporation which is another separate entity which represents to us a further fragmentation and dilution of the ability to really deal in a cohesive way with the problems of the metropolitan downtown.

Mr. HOGAN. Well, are you suggesting that you get home rule first and then correct these things?

Ms. JOSEPHSON. No, I would hope that they would be dealt with as part of the same—either simultaneously. I don't know how your committee plans to handle the Nelsen Commission legislation, whether you're going to have a Nelsen Commission package or whether you're going to mesh those particular things in with your home rule legislation.

Mr. HOGAN. Well, do you have a recommendation on that?

Ms. JOSEPHSON. Well, whichever—I see home rule without those reorganizations as, you know, giving the locally elected body, no tools to work with in the field of housing and community development so that I feel it should be part of a home rule bill. If it passes that way, it's fine. You don't have to deal with it another way. In either event, we need it. There's no doubt about it.

Mr. HOGAN. You indicate that there should be a Federal local interest definition. There was a gentleman that testified yesterday on this as—you know, the Nelsen Commission recommended that there be a definition established, especially as it related to planning—now, could this be expanded upon so that this gentleman was suggesting that you earmark, as it were, those functions which are principally or totally Federal and earmarking those which are principally or totally local as a cost accountant would do if he were handling the District budget.

Do you think that there would be, as far as arriving at a Federal payment, has some value in doing that kind of thing so that Congress would feel a little more comfortable in establishing a payment and the District would feel a little more comfortable, perhaps, if there were totally locally earmarked functions. Maybe Congress wouldn't look at those and they would say, as the Commission report suggested that those are principally local and they should be segregated out and the principal decisionmaking lies with the local government, as it were, do you think that has some value?

Ms. JOSEPHSON. Well, you've asked a number of questions. I think that if there were some way worked out, if there were some analysis of these specific costs to the District of Columbia of Federal operations, for example, the amount of money it takes to clean up after all the parades, you know, demonstrations and so on, the amount of money which is lost from real estate taxes, the amount of money that's lost with all Federal vehicles that do not pay gasoline taxes, you know you could go through an analysis such as that and come up with a figure of some kind, I would assume. I think, personally, I would feel that the advantage of having a fixed, you know a rationale which everyone could live with which resulted in a fixed amount of money which could fluctuate in accordance with that rationale which would be—which the District Government could then receive and utilize freely.

There would be advantage to that. I do have problems with your definition of Federal function as far as—in the Nelsen Commission report—you deal with planning. What you propose is that National Capital Planning Commission retain the initiating power for physical planning of the old Federal City which goes up to Florida Avenue and include our downtown, you know, the whole core of our city and our association feels and so we will testify later, that that is far too broad a definition. We have no problem with the Federal Triangle, the monumental core. We have no problem with Federal buildings. We think that the local initiative should be allowed in the downtown area or downtown commercial core and so on with any resolution of local/Federal conflicts; you know, to come through whatever mechanism is set up to do that.

Fourth, you have reserved the right to NCPC to reserve the right to planning in the transportation area and so far as it dealt with Federal facilities. Now, Federal facilities in-town are so scattered all over. What that basically would mean is that transportation policy would still be set by the NCPC and we feel that's far too important a function to the District of Columbia to take that away from our local planning. It should remain a local effort rather than a Federal effort.

Mr. HOGAN. Well, it's now a regional function; is it not, in a great sense?

Ms. JOSEPHSON. That's true but also, we have Lamada Grant where we have planners in the District Building who are planning the specific impact of Metro development around all our Federal stops in the District of Columbia. One of the implications of what you recommended, it would seem to me, is that NCPC should be doing that because it would have impact on Federal establishments rather than the District of Columbia.

Mr. HOGAN. Federal—turning back to this Federal/local interest, trying to segregate the matter, are you familiar with the recommendation on the Federal payment that is contained in the Nelsen Commission Report?

Ms. JOSEPHSON. No; I don't recollect that specifically, offhand.

Mr. HOGAN. Well, what it does, is require that there be a comparison, both expense-wise and revenue-wise, of the District of Columbia with other similar cities so that hopefully the residents of the

District are comfortable with the fact that expenditures and particular areas are not higher nor for that matter, significantly less than they are in other cities. On the other hand, presumably Congress would hopefully be satisfied with this, that expenditures in the revenue effort of the local government is on a par with other general localities similar to the District of Columbia.

Having arrived at that determination, using information, some of which is currently available through the Governments division of the Bureau of Census, the difference between that and what it would cost to furnish those services, would presumably be a Federal payment and therefore, the cost, as it were, of the Federal presence, does that have any attraction?

Ms. JOSEPHSON. We are in the process—we have not refined our position on that and I would like to—and I'm sure we'll be back when you deal with these specific recommendations and have additional hearings. There are a couple of immediate thoughts I have with reference to what you say.

One is that our local jurisdiction combining both functions of State, county and municipal functions, you know, is not really comparable to other cities and I would hope that the formula would take that into account.

Mr. HOGAN. It does.

Ms. JOSEPHSON. All right.

Second, one of our biggest costs—well, probably the biggest cost factor in the District of Columbia government is salaries, you know, which are paid to—Federal salaries which are, as I understand it, considerably higher than is the norm in municipal governments across the country. This is obviously essential to District government if it is to compete for any kind of talent in town but it would, it seems to me, maybe throw out the formula, maybe you would deal with that also?

Mr. HOGAN. The Commission deals with that in its recommendation for an independent personnel system. It suggests that the District have its own personnel system, its own salary scale so that if I understand you correctly, you feel that salary scales here are higher than they are in other similar jurisdictions and this would permit the District to bring their salaries, their employees in line with other jurisdictions.

Ms. JOSEPHSON. Yes; that sounds simple.

Mr. HOGAN. No; it isn't simple. I'm not suggesting that it's simple, but there is a problem.

Ms. JOSEPHSON. One of the real problems with District government is to attract talent, you know, to come and work for it. When you have a major employer in town that is paying better salaries, what you will get is those who cannot get jobs in the Federal Establishment unless they are particularly committed citizens who feel that local government is what they want to do.

I think, as a practical matter what we would end up with, being in the town where the major Federal bureaucracy is, is very, very handicapped by reducing our salaries—and I have very real problems with that concept, I think it's one of the hard realities for us, is that we can't do that—

Mr. HOGAN. Well, the Commission would have an element that would plug in there also and it has that element to give effect to the uniqueness of the District of Columbia, sitting as it is in the center of a metropolitan area and in a Federal area. So presumably, a factor could be added on that would take care of that.

Ms. JOSEPHSON. I hope so, because costs here also reflect the earning level of the majority of their citizens.

Mr. HOGAN. Let me ask another question. You say if the Hatch Act precludes participation in elections, would you—do you contemplate the District having its own independent personnel system if a bill were enacted, is that your position?

In other words, the only reason the Hatch Act would have to be amended, as I would view it, is if the District employees stayed within the U.S. Civil Service.

Ms. JOSEPHSON. What about persons who work for the Federal Government who are residents here?

Mr. HOGAN. Well, that would call for an amendment of the Federal Act, would it not?

Ms. JOSEPHSON. Well, our position is that—we feel that if an amendment to the Federal act is necessary, we will go for that. If it's not possible, and it may not be possible for political reasons, then we feel it is more important for every resident in the District of Columbia freely to be able to participate in local political life. We would have nonpartisan election.

Mr. HOGAN. Do you know how many Federal employees there are in the District of Columbia?

Ms. JOSEPHSON. Resident?

Mr. HOGAN. Yes.

Ms. JOSEPHSON. I have no figure. I just know personally, I have many friends who are.

Mr. HOGAN. Well, I wonder if the number of Federal employees in the District of Columbia who would be precluded from participating in the local elections would be any greater than, let's say, in Arlington County or Fairfax County? Do you happen to know?

They are precluded now, just as prospectively you are suggesting the District of Columbia residents might be affected if the Hatch Act is not amended.

Ms. JOSEPHSON. Well, I assume that the proportion here is high because the Federal Government together with District government, are two major employers whereas in surrounding jurisdictions, particularly around the beltway, you have many private industrial research and development operations and so on. We also probably have a high proportion of the lower level Federal and District Government employees resident in the District.

I'm thinking about people, for example, employed by the Government Printing Office. I do remember that was one of the problems with the proposed relocation.

Mr. HOGAN. Well, Mr. Chairman, maybe we can—I'll speak to Mr. Nelsen. Maybe we can get those figures and insert them in the record at a later time.

Ms. JOSEPHSON. Yes, I think it would be good.

Mr. HOGAN. Let me just ask a couple of quick questions.

The information follows:

FEDERAL EMPLOYMENT IN THE DISTRICT OF COLUMBIA AND THE NATIONAL CAPITAL REGION

	District of Columbia	National capi- tal region
Civilian employment ¹	171, 899	295, 385
Military employment ²	18, 470	72, 221
Total employment.....	190, 369	367, 606

¹ As of Dec. 31, 1971. Includes only agencies with 2,500 or more employees. These figures exclude CIA, NSA, and temporary Christmas assistants of the U.S. Postal Service.

² As of June 30, 1972.

Sources: U.S. Civil Service Commission, Department of Defense.

The Nelsen Commission also addressed the question of the service areas. Do you know how the service areas were established in the District of Columbia initially?

Ms. JOSEPHSON. Yes.

Mr. HOGAN. Are you satisfied that they are—that they were established in a rational, intelligent, totally satisfactory manner?

Ms. JOSEPHSON. I should preface my response by saying that I was part of the office, Community Services, and was the person responsible for implementing that program so that—

Mr. HOGAN. Well, maybe we'd better not pursue this.

Ms. JOSEPHSON. I can tell you how it was done but a qualitative judgment—

Mr. HOGAN. Let me just say, if you read the Commission report that relates to this, there were two members on the staff of the Commission who were instrumental in presumably submitting some of the base data to the District government prior to the time they established their service areas and the Nelsen Commission's recommendations were that these service areas, as established, be given a thorough review at this time to determine whether the Mayor and the District government might not wish to alter them some but at the time the Nelsen Commission was sitting. I believe the city council established the election wards, did they not?

Ms. JOSEPHSON. The wards? I don't believe so. There was initial division into four, which was, you know, initially prepared, but to my knowledge, they still have not adopted any method of—

Mr. HOGAN. Well, there were hearings down in the District Buildings, as I recall, and I can check to see what action was taken on that. Did you appear at that time to indicate what your position was as related to—

Ms. JOSEPHSON. The city council wards?

No. No, I did not.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you and thank you so much, Ms. Josephson and Mr. Fertig, for a very able and specific and helpful testimony.

At this time, we will call to the witness stand Mr. Walter McArdle, president of the board of trade, accompanied by Mr. Clarence Arata, executive vice president of the Washington Board of Trade.

**STATEMENT OF WALTER F. McARDLE, PRESIDENT, METROPOLITAN
WASHINGTON BOARD OF TRADE, ACCOMPANIED BY CLARENCE
ARATA, EXECUTIVE VICE PRESIDENT**

Mr. McARDLE. Mr. Chairman, members of the committee, I am Walter F. McArdle, appearing here today in my capacity as president of the Metropolitan Washington Board of Trade. As many Members of Congress are aware, the board of trade is an areawide organization composed of some 4,000 business and professional leaders in this community representing over 1,300 firms.

As the chairman has indicated, Mr. Clarence Arata, who is the executive vice president of the Board, is with me. We appreciate the opportunity that you are giving us today to discuss with you our thinking on the matter of self-determination for the citizens of the District of Columbia.

As my predecessor president of the board of trade, Mr. John Stadler, stated in his remarks before the Committee on the District of Columbia last year, more has been said and written about self-determination or home rule than on any other subject affecting the District of Columbia.

Out of all this discussion there have been developed many opinions and theories on just what should be the best form of government for the District, varying from no change at all to statehood.

Further evidence of the conflicting opinions on this subject became clear in the last session of Congress when there were introduced at least 17 separate pieces of legislation attempting to find the answer to this perplexing problem. Already in this session there are at least seven bills dealing with the same matter.

The board of trade has concerned itself with this subject over many years. We recognize now, as you do, that we are discussing a matter of great import to this great Federal City and the ultimate outcome will have a tremendous bearing on the future of this, the most important city in the world. We hope that we can share with you some of the thinking of our membership and provide you with the opinions of some of our leading members who have long made a study of this entire subject.

Let me say at the outset that we deeply appreciate the time and energy and conscientious consideration which the Committee on the District of Columbia and its various subcommittees give to our local problems.

An excellent example of the deep thought Members of Congress put into this subject, this matter of self-determination, is the far-reaching set of questions which you distributed to the board of trade and; we assume, many other organizations and individuals in the District of Columbia. This material is permitting us all the opportunity to consider new concepts and new approaches to solving this problem.

Immediately upon receiving those questions from you, I took advantage of the opportunity to appoint an extremely strong and capable committee composed of men who have had long background and experience on the subject of home rule for Washington.

This committee is currently at work preparing for the board of trade specific answers to the specific questions raised. At this juncture,

I would like to request that the record on these hearings be held open for a reasonable period of time in order that a full and approved statement of the board of trade position on these points can be submitted to your subcommittee for its consideration.

I can assure you that we will not long delay in getting our comments to you, but we do need more time to give you the benefit of our best thinking.

Mr. FAUNTROY. Without objection, that will be done.

Mr. McARDLE. Thank you very much.

[The material referred to follows:]

EXCERPT FROM STATEMENT OF WALTER F. McCARDLE, PRESIDENT, METROPOLITAN WASHINGTON BOARD OF TRADE BEFORE THE U.S. SENATE DISTRICT COMMITTEE, APRIL 23, 1973

A basic question asks what legislative powers should be transferred from the Congress to the local government. Our response is that all legislative powers of a local nature should be transferred to the local government after reviewing carefully the recommendations of the Nelsen Commission on this subject. They are worthy of our complete attention and consideration.

We acknowledge the authority given Congress by the Constitution to exercise exclusive legislative power over the District of Columbia. However, we recognize at the same time that the District of Columbia is a mixed jurisdiction legislatively, being a combination state, county, and municipality. Therefore, a city council or similar legislative body is the institution which should enact the District's laws and regulations, those not specifically reserved to the United States Congress.

In this context we recommend that there be an elected city council—or legislative body—of 13 in number, one representing each of the eight wards in the District and five members elected at-large. We recommend that elections be held every fourth year on the day coinciding with the election of the President and Vice President of the United States.

These legislators should be elected by partisan ballot and their term of office should be for a period of four years.

The next question raised would then concern the chief executive of the city, how he is chosen and the extent of his powers.

We support the election of the chief executive of the District of Columbia on a partisan, city-wide ballot and also a term of office for four years, with a maximum of two consecutive terms.

The chief executive's powers should be similar to those of a mayor, and he should have the authority to name a competent professional executive who could be designated either as the "city manager" or "city executive" or "deputy mayor."

The next logical question, of course, would relate to the judiciary of the city.

We recommend that Superior Court Judges be nominated by the Mayor and confirmed by the city council; that the judges who serve on the D.C. Court of Appeals be nominated by the President and confirmed by the Senate; and, of course, Federal Court Judges be nominated by the President as in all other jurisdictions of the United States.

We recommend further that the term of D.C. Court of Appeals and Superior Court Judges be for a period of 10 years.

Of paramount importance to the effective operation of this city is the question of the proper handling of its fiscal affairs.

The Board of Trade has always stood for complete financial stability in the operation of the District Government.

The budgetary process of the District of Columbia should be simplified. The complexity of having the myriad budget programs examined at an agency or department level, by the Mayor, by the City Council, by the Office of Management and Budget, followed by a re-examination in many cases, is cumbersome indeed. Then the budget is reconsidered by both the House and the Senate Subcommittees on Appropriations for the District of Columbia.

As a result of this outdated system, it is not possible for the parties involved always to obtain approval of a budget until the District is well into another fiscal year.

The Nelsen Commission recognizes this problem, and we endorse the following which appears on Page 451 of the Report :

"The very size of the Federal Payment plus the annual funding provided through Federal grants would seem to assure some form of continuing Federal involvement in District Government affairs. Regardless of the extent of Federal involvement, however, the Commission believes the District Government does not have that level of control over the management of its fiscal affairs where all Congressional review could be eliminated and the District cast fiscally apart from the Federal Government. What is clear is that an increasingly active program of permitting greater freedom in making detailed budgetary decisions at the local level can be undertaken on a planned strengthened budget and fund controls within the District Government and within the various District agencies. The Commission's budgetary recommendations support this positive course.

"In summary, the Commission feels that a diminution of detailed Congressional "line-item" control over the District Government's budget will occur, and, in fact, be accepted by the Congress following a period designed to establish an improved bridge of mutual confidence between the Congressional Committees and their staffs and the District Government."

Since time for a study on all the District's budgetary processes was not available to us we recommend consideration of the generalized statement as it appears above.

A further corollary question in the fiscal area of course must relate to the Federal Payment.

Again the Nelsen Commission Report states "The Fiscal relationship between the District of Columbia and the Federal Government has always been difficult to define yet alone quantify." We concur with this statement.

The Board of Trade's position has always been that sufficient Federal Payment to the District of Columbia is imperative to the success of self determination and without a proper formula provision self government will fail in this Nation's Capital.

An appropriate procedure would be to refer the amount of the Federal Payment to the U.S. Office of Management and Budget with the following in mind: That it may be based on a percentage of Congressionally-approved financial requirements for the District for any fiscal year after a determination that effective revenue-producing efforts have been made to keep the District's income at a reasonable level.

We refer once again to the thoughtful comments of the Nelsen Commission Report :

"The Commission recommends that the Federal Payment should: be predictable; operate to encourage District efforts to raise more revenues; use the prior year authorization level as a base; operate to avoid wide fluctuations impacting adversely on the District's ability to plan and finance operations; and, to the extent possible, reflect the unusual costs to the District of its role as the Nation's Capital.

"The Commission recommends that once the District is granted the authority, subject to Congressional veto, to set the rates for all existing taxes and charges, as recommended by the Commission, it should conform its overall revenue effort as closely as possible to that of comparable metropolitan centers, taking into consideration its relationship with its immediate environs.

"The Commission recommends that the Congress continue to authorize the Federal Payment at least one fiscal year in advance.

"The Commission recommends that the Office of Management and Budget specifically recommend and justify the amount of the authorization and appropriation for each Federal Payment. In determining such amount, the Office of Management and Budget should consider, among others, the factors bearing on the proposed Payment level as discussed on page 510." (See exhibit attached for information on Page 510 of the Nelsen Commission Report.)

In our opinion, practically every local revenue source has been tapped to reach the District of Columbia's annual obligation with the exception of one—some form of reciprocal tax.

While this latter tax has been a matter of considerable Congressional and local discussion, it is not as unique as some have suggested. As a matter of fact, it is a relatively common practice in various parts of the country.

On the question of the electoral process, we recommend that all public officials within the Executive Branch should be appointed by the Mayor. The legislative and judiciary branches should be empowered to appoint their respective staffs.

Of course, the matter of elections raises questions concerning the applicability of the Hatch Act. Without exhaustive study, we are not competent to comment on what changes should be made in the election laws to accomplish the various objectives suggested by these questions. However, the peculiar nature of the District of Columbia jurisdiction—the fact that so many of the employees in the District work either for the Federal or the District governments—will require adjustments in the Hatch Act to liberalize its provisions to enable more citizens of the District of Columbia to engage in a greater degree of political activity. However, any District of Columbia or Federal employee, running for public office shall resign his position unless serving at such time in an elective position.

We have indicated previously that we recommend a mayor/council form of government for the District. The Mayor should have strong and complete authority in the executive field and the city council—or legislative body—should have comparably strong authority in the legislative field.

We further recommend that the legislative branch be unicameral.

We are aware of many questions being raised concerning the necessity of retaining the multitudinous agencies, departments, boards, etc., within the present structure of the District Government. Our answer is that the Nelsen Commission has researched these situations quite thoroughly, and we recommend strongly that full consideration be given to the recommendations of the Nelsen Report.

Finally, we again want to refer to the statement within the United States Constitution which grants Congress the power “to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by the cession of the particular states, and the acceptance of Congress become the Seat of Government of the United States.” It is within this overall grant of power by the Constitution to the Congress that the relationship between the Federal Government and the District Government must be considered. Any disputed areas as to what constitutes the “federal interest” will be determined, from time to time, by the Congress of the United States, the courts, and the Executive Branch.

Accepting that as a basic concept, the “federal interest” is identified as positive, limited only to that degree of autonomy which the Congress is willing to cede to the local government.

We repeat what we have said previously, the Board of Trade believes that the first meaningful step towards self government must be to provide the District of Columbia with voting representation in both the House and the Senate.

With that as a condition precedent, we reiterate our positive positions as follows:

- I. That the Board of Trade is in favor of local self-government;
- II. That implicit in any form of self government is the safeguard of an appropriate, adequate and equitable Federal Payment formula with full recognition of existing future obligations;
- III. That the District government be permitted legislative authority in those areas ceded by the Congress;
- IV. That the District government be given such budgetary control as is necessary for efficient city management; and
- V. That a Congressionally-appointed Charter Commission be named promptly to review and recommend the best form of government possible for the District of Columbia.

In conclusion, we believe that if the recommendations made by the Metropolitan Washington Board of Trade are followed, the federal and local interests will be reasonably clear and self-government will be successfully served.

Mr. Chairman and gentlemen, we appreciate the time and attention you have given us.

Mr. McARDLE. We recognize that you are not considering local problems in a parochial sense, since Washington is also a Federal city, the Capital of our Nation. Nor can we escape the fact that the Constitution specifically grants Congress the power “to exercise legislation in all cases whatsoever over such district, not exceeding 10 miles square, as may, be the cession of the particular States, and the acceptance of Congress become the seat of Government of the United States.”

Mr. Chairman and gentlemen of the committee, you gave active and effective support to the efforts of Citizens for the Presidential Vote for the District of Columbia. Through your efforts, and strongly supported by the board of trade, Congress took favorable action on the 23d amendment to the Constitution which, of course, was subsequently ratified by the necessary three-fourths of the States.

We consider this a milestone in District of Columbia history—giving our residents the right to cast their ballots for the President and Vice President of the United States.

While this action was a project long endorsed by the board of trade, we have also striven for a corollary and, hopefully, a companion measure—that of full voting representation in the House and Senate.

A step toward the realization of this goal was taken when District residents were permitted the opportunity to elect their own nonvoting delegate in the House of Representatives. We believe having this delegate in the House, as a demonstration of representation effectiveness, is solid proof that complete effectiveness would be achieved by voting representation in both Chambers of Congress.

Therefore, gentlemen, we urge that as a first priority appropriate legislation be enacted which would provide the District of Columbia with voting representation in both the House and the Senate.

I would like to reiterate here, in addition to this premise, that the board of trade's position is—and this is as it was presented by Mr. Stadtler (1) that we are in favor of local self-government; (2) that implicit in any form of self-government legislation proposed should be the safeguard of an appropriate and adequate Federal payment formula; and (3) that a congressionally appointed charter commission be named as soon as possible to review and recommend the forms such home rule should take. We feel that within these dimensions and with the comments we will supply you at a later date, an effective form of self-determination can be established for the District of Columbia.

We would anticipate that any form of government recommended for the District of Columbia would take advantage of the very valuable recommendations made in the Nelsen Commission report. The board of trade applauded the creation of the Nelsen Commission and we also applaud the report as being the soundest and most thoughtful analysis of District problems yet produced.

Its recommendations, aimed at improving the efficiency, economy, and service of the District of Columbia government, should be given proper exposure, extensive implementation, and adequate testing of major management alterations.

Our final word about our suggestion for a charter commission; under no circumstances does this imply unwarranted or unnecessary delay in providing home rule. A major congressional and community effort can bring these objectives into being promptly. And I assure you that the board of trade is willing and, I believe, able to supply a major input into the community effort. We offer the resources of the board of trade to assist in any way possible.

Thank you.

Mr. FAUNTROY. Thank you very much, Mr. McArdle, and we will now entertain inquiries from the members.

Mr. Landgrebe?

MR. LANDGREBE. Turning quickly, Mr. McArdle, to your fourth page in which you itemize and list your major goals toward home rule, you say we are in favor of local self-government. We have rehashed that. I think you were here when I discussed that with the former speaker.

MR. McARDLE. Yes, I was.

MR. LANDGREBE. And the more I hear about it, the more I hear about it, the more I think it is sort of a myth. But, No. 2, you state that this premise should—your position is that implicit in any form of self-government legislation proposal should be the safeguard of an appropriate and adequate Federal payment formula.

Now, this seems to be one of the real sort of equal interest with self-determination and home rule for almost anyone who has sat in the witness chair or given testimony here.

No. 2, this idea of adequate Federal payment, who should determine what that Federal payment would be? Who should have the last word in determining what the Federal payment should be?

MR. McARDLE. I think the determination of it, Mr. Landgrebe, should be a determination based on understanding recommendations, a study between the Congress and the people of the District, in the form of a government with input, of course, from citizens. But we have, over a period of time, at the board of trade, held that, taking all of the factors of the Federal Government's operations in Washington and its requirements for the various services that occasional costs for the running of the government, that payment by the Federal Government ought to be in the nature of 40 percent of the operating budget of the District of Columbia.

MR. LANDGREBE. Has the board of trade of this great city ever had to determine what the Government, what the proximity of the Government in relationship to the city, what it means in dollars to the tourist traffic by 20 million people a year? Is this city that much dependent on the Government?

In direct relationship to the request for the demands for home rule is also a demand for just as strong and loud and clear that there be a guaranteed annual payment by the Federal Government based on something, but usually providing for 40 percent or more of the city government's budget. It seems to me that the chamber of commerce, the board of trade or whatever you call it down here in this community—

MR. McARDLE. Board of trade.

MR. LANDGREBE. I have been a board of trade man myself for many years. I am a strong advocate in keeping cities green. But is it not possible for this city to thrive and to exist with a little less concern, a little less emphasis on what they are going to sock the Federal Government for?

After all, the Government is the people of the whole United States. Does anyone ever think what the Government means to the people out here?

MR. McARDLE. Yes, indeed we have.

Mr. LANDGREBE. Other than just a place to tap resources, increasing, spiralling year after year with—in my humble opinion living in the District, driving around the District, with no noticeable improvement in the services to this community. It would seem to me that the board of trade would be particularly interested in where this fantastic amount of money is going in this budget that has increased fantastically over a ten year period.

Personally, I do not know, I cannot see where it is going, except to more payrolls downtown: 40,000, 42,000, so I do not know if I am asking a question, or if I am just expressing an honest concern, that if you wish to try to explain to me why it is that people say, give me freedom, Dad, give me the car for tonight, give me enough money to go to some distant city to spend the money. What is the city's obligation in this whole, overall picture?

Mr. McARDLE. Congressman, you could not be talking to somebody more interested in rights and obligations, because I believe they can come. and I think they can come together at any particular time. The board of trade is very much interested in the effect of the Federal Government, located as it is here, because it is an integral part, and Washington would not be Washington without it. It is a most unique city.

We are very interested in seeing that tourist attractions—this is the first part of what you were saying—are moved and are carried on to such a degree, down to the benefits of the treasury of the city, and the individuals who are here, both business and employed because of such trade. There is over \$1 million a day that comes in on the average to Washington in the form of monies through conventions and people visiting people here.

We are very much interested in seeing that the people who are here are folded into an entire panoramic picture of Federal government, local government, and commerce in general, as well as inhabitants here.

Mr. LANDGREBE. All right, we will proceed for a couple of minutes—I have to make a phone call for just a little bit—but trying to finish your statement now—

Mr. McARDLE. Yes, quickly. For instance, the District receives over \$26 million in taxes just from people coming into Washington. Now, we have considerable amounts of figures on this kind of thing. We made studies on it; we are very much interested that this be a great city and that our people be able to live well here.

The board is dedicated to the proposition that Washington be a city in which we can live, we can do business and we can recreate well and in accordance with the general standards.

Believe me, Mr. Congressman, we are not the least bit interested in extending what I gather is the far reach of what you say when you say, give me and see where I can go. We are much in dismay that the Federal Government make a proper payment but that that proper payment be properly used and it be folded into an entire system so that Washington is a better place to live.

Mr. LANDGREBE. All right. I will state one more question briefly, and you will have to give me a brief answer.

How will home rule— and I am not talking about emotionalism; I am not talking about pride; I am talking about real services to peo-

ple, quality of life, protection, progress, prosperity, happiness, freedom—how do you conceive of home rule bringing about an improvement in, say, just the safety of the people of this community alone? How will this come about?

Mr. McARDLE. That is a very good question; that is a very complex question. In a nutshell, I would say, I would hope that just as the ownership of something gives somebody the responsibility to handle that thing for the good of that community, that utilization of a home rule or self-determination would be used the same way by our people, that they would accept more responsibility than they have to date accepted.

Mr. LANDGREBE. That is the optimistic view.

Mr. McARDLE. Of course it is.

Mr. LANDGREBE. And the other side, the pessimistic view, which I have continued to take, is that we can develop a political machine here that is so powerful that the people of this city would suffer rather than prosper under this situation.

Mr. McARDLE. You know, Congressman, that there has been home rule in the past and we have had a whole succession of changes over the history of the Republic, and I would think that we have open to us, the possibility, if there were things done that resulted in the things that you are portending that there could be changes made to square it away.

But I would hope we feel that the addition of home rule would be a good thing in the District.

Mr. LANDGREBE. Mr. Chairman, I will reserve further questioning until the board of trade comes in with their formal proposal, and I will try to be here loaded with questions.

Mr. McARDLE. Thank you, the questions are good.

Mr. FAUNTROY. Mr. Landgrebe, you will be back?

Mr. LANDGREBE. Yes.

Mr. FAUNTROY. Now, Mr. McArdle, you—in a specific answer to a specific question which Mr. Landgrebe posed, you said that your assessment of the tax yield of the tourist attractions is \$26,000?

Mr. McARDLE. \$26 million.

Mr. FAUNTROY. \$26 million a year, out of, let us see now—\$1 million would be 1 percent of the billion dollar budget, right?

Mr. McARDLE. Yes.

Mr. FAUNTROY. So that \$26 million would be about one-quarter, would be about one—

Mr. McARDLE. You are talking about something in the neighborhood of \$350, \$400 million a year that tourists bring in.

Mr. FAUNTROY. You are not talking about the tax yield?

Mr. McARDLE. No; I am talking about \$26 million direct taxes that are paid.

Mr. FAUNTROY. Taxes?

Mr. McARDLE. Yes.

Mr. FAUNTROY. So that the contribution to the cost of running the city, which we realize is roughly—

Mr. McARDLE (continuing). A quarter of 1 percent.

Mr. FAUNTROY. A quarter of 1 percent, which is what I had figured out. I wanted that to be clearly stated on the record.

Mr. McARDLE. Actually, on that kind of a basis, it would be two-thirds of 1 percent.

Mr. FAUNTROY. Two-thirds of 1 percent, that is the accurate figure, two-thirds of 1 percent of what we realize for—

Mr. McARDLE. That is direct taxes only coming in, but in addition to that, there are kinds of other tax yields that are gained from that.

Mr. FAUNTROY. Such as?

Mr. McARDLE. Well, such as real estate taxes, by virtue of the fact that you have the hotels and the restaurants, stores, and so on, the whole host of things like this, and we would be happy to supply that if you would like it.

Mr. FAUNTROY. Yes; I think it is very important to understand.

Now, you do agree, do you not, that the Federal presence here not only brings money in but also requires an enormous amount of public services.

Mr. McARDLE. Of course it does.

Mr. FAUNTROY. Delivered by the local government, for which there is not now adequate Federal payment to cover. I do not think there is any question about that, and we must look to businessmen of this community, to the residents of this community for 80 percent of the cost of delivering all the services to both the Federal and the local government.

There is no question but that the Federal Government does not contribute the share that it should, and thus your recommendation as the board of trade that that be in the neighborhood of 40 percent.

Mr. McARDLE. That is right; you put it very well.

Mr. FAUNTROY. Thank you. I am sorry Mr. Landgrebe is not here to hear it put together.

Mr. McARDLE. I think actually Mr. Landgrebe gets around, in his premises, he gets around to a conclusion that comes to the same point.

Mr. FAUNTROY. Yes, well that is wonderful.

What would you think a congressionally appointed charter commission could come up with that the District Committee, as those designated by the Members of the Congress, to become knowledgeable on the affairs of the District, together with persons like yourself appearing before meetings like this could not come up with?

Mr. McARDLE. Well, I would feel, just as the Nelsen Commission report, that a study would allow a much wider study and a much wider group of information and data to be moved in that I am afraid might not be done on a short hearing with the kinds of questions that are in your 15 basic questions, which really amount to about 100 questions, I guess.

I think it is kind of an attempt to oversimplify the thing, and I think that a study commission would have a much better chance to come out with something that would be less to the end, for example, of the point that Mr. Landgrebe was making.

We would be able to get past some of the problems that I am sure he oversimplified, because he did say he was trying to shorten his question, but the question before that was a beauty. It covered the waterfront, but it was good, and I think that a commission would have the opportunity to go into all of the intricacies and all of the complexities of a total picture. This is much too big a thing for us to

be in a position of moving quickly and then some years later say, no this was a terrible mistake; we ought to redo it, and starting all over again.

I just think that it is that kind of thing. I think it would basically have more integrity as a study and very probably would come up with much better reasoning and I would think more sound conclusions than if done in a smaller committee.

Mr. FAUNTROY. This has certainly troubled me: I just wondered what now needs to be studied? I am really serious about that. We are grappling with what the Federal formula should be, and how it should be reached, and we have had some very good testimony from a number of groups on—

Mr. McARDLE. We think what we finally come up with will be very good.

Mr. FAUNTROY. That is what I know. I am very confident that what the board of trade is going to come up with in response to those 15 questions is going to be very substantive, and I just wonder what more you might expect of a group; you say a congressionally appointed charter commission, I see. I just don't know what more may come up from a group that was appointed, that had the privilege of having been appointed by the Congress to do this.

Mr. ARATA. May I interject a thought here, Mr. Fauntroy?

Mr. FAUNTROY. Certainly.

Mr. ARATA. One of the thoughts we had on that also was that as active participants within this study commission could be some of the best brains and best minds in this whole United States who are familiar and cognizant of municipal problems, such as taking people out of, let us say, the National League of Cities experts, the best brains they have; out of the U.S. Conference of Mayor's group; and many of these municipally oriented organizations or associations; famous organizations like Brookings or Council for Studies here in the District could give their input. This is not something that could slow it down. As a matter of fact, it could speed it up, in order to get their best thinking, their best input into this kind of a problem.

Mr. FAUNTROY. You understand that we have requested input from these groups and I take it that if we had a Charter Commission, you would think that—of course, they would not be consultants; they would not be paid to do this, would they? The Charter Commission?

Mr. ARATA. I would not think so. I think you could get them to volunteer.

Mr. FAUNTROY. That is what we are asking them to do now. They may well come forward—we won't belabor that point.

Mr. McARDLE. I think you are right, Mr. Fauntroy, I just think that you would have a wider utilization of information and that you would come to a conclusion that probably would be a lot sounder; and I think, as I indicated, we are in no way looking for a delay on this or an unnecessary delay, unwarranted, or anything like that, but rather that when we do come to the conclusion, we are most sure that that conclusion is a good conclusion.

Mr. FAUNTROY. Thank you.

Counsel?

Mr. DEPUY. No questions, Mr. Chairman.

Mr. FAUNTROY. Counsel?

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. McARDLE, Mr. Nelson regrets that he cannot be here, but he suggested that I ask some questions of the witnesses, if I may.

Have you had an opportunity to review the Nelsen Commission Report as it relates to Federal payment?

Mr. McARDLE. Only in a sketchy way, but I did hear your explanation to the previous witness.

Mr. HOGAN. Yes.

I think probably the financial stability of a community, looking at the Federal payment, is one of the most important aspects of home rule by and large, would you not agree?

Mr. McARDLE. I would, definitely.

Mr. HOGAN. Now, there are some other things that impact on the Federal payment and financial condition of the District, not only as it exists, but as it is projected into the future that came to the attention of the Commission, and I wonder if you are aware of some of these things, and if you might have some statements to make with respect to them.

Mr. McARDLE. Such as what?

Mr. HOGAN. Well, for instance, the Commission, in its report, addressed the question of funding of the retirement costs, especially as it relates to policemen and teachers.

Currently, in 1973, the cost of the pay-as-you-go, as the term is used in actuarial parlance, the cost of that currently for calendar year 1973 runs approximately \$25 million. Unless there is some action taken to change this, that is projected within about 15 years to run up to \$50 million—per year, this is—and if unchecked, it will run up to approximately \$90 million by the year 2000.

If the retirement funding of just one segment of District employees is going to fight for funds, as it were, with all of these services that this prior witness talked about, do you not have a serious financial problem? I wonder if it relates to the Federal payment, or however you are going to finance this thing in the future.

Mr. McARDLE. I think you are likely to have a very serious financial problem, and more particularly, as Al Smith used to say, when you talk in terms of baloney dollars because the dollar becomes worthless and requires that many more dollars all the way along the line—and when you are talking about something that gets up into figures such as you are talking about, in over 27 years, all right, you have got a problem that is a monumental one; and that, if I may, Mr. Fauntroy, is part of the reason that I think a commission study would be far better, because we could get farther into that kind of thing.

Mr. FAUNTROY. Well, would the Commission study change the fact?

Mr. McARDLE. That wouldn't change the fact.

Mr. FAUNTROY. Nor would it change if we did nothing, if we continued the same form of government until 19-whatever-it-is. The fact would be that that built in rise of cost would be there, so that I don't know what we can study away the fact.

Mr. McARDLE. I don't know that you can either, and I don't propose to do that.

What I am saying is that, with a charter commission study, that you would be able to get into the intricacies of such a question as that. It is a big one.

Mr. FAUNTROY. You could establish the fact that the fact exists, and I understand that.

Mr. McARDLE. More than that, you could bring the expertise more than a witness such as myself to bear as the people have far more ability in that area, more actual ability, people with more basic knowledge of all this to work out.

You only have to go to the fact that not too long ago we had 3,200 policemen. Now we have got 5,000. So that those things, arithmetically, and geometrically, are growing.

Mr. HOGAN. Mr. Chairman, for—perhaps for the record, the retirement funding picture is covered in chapter 7, volume 2 of the Nelsen Commission Report, for the purposes of the record.

The District itself, at the insistence of the Commission, took this up as one of their issue analysis projects, and they address this in their Issue Analysis, An Aid To Program Decisionmaking in Urban Government under November 1972 date; and it is extensively covered, and the figures that I was quoting earlier are contained in this District Government report. There is an \$865 million unfunded liability.

Now, turning then to the debt financing of the District Government, again, I turn to the report of the Commission. This is covered on page 466, volume 2, of the report. It projects an increase in the total debt of the District Government, from 1973, going from approximately \$600 million to a total debt of approximately \$2 billion in fiscal year 1977.

The current financing of this—the annual loan repayment requirements currently, in the current Mayor's budget which he has submitted to the Congress, that figure is carried as approximately \$28 million.

The interest payments alone projected for 1977 are approximately \$100 million, or an increase presumably based on the statistics contained in the report, an increase of almost 4 times what it is today for debt financing.

In other words, we have here, it appears, an increase of approximately \$75 million, perhaps, over the next 4 years in just the debt financing for the District of Columbia. Now, certainly in addressing the question of home rule so that you have a viable local government, and so that they don't get into difficult financial straights, certainly this would have to be taken into consideration, it would appear to me, in addressing the question of home rule.

Do you not agree?

Mr. McARDLE. Surely, of course.

Mr. HOGAN. Well, we talked earlier—excuse me, Mr. Chairman—

Mr. FAUNTROY. Counsel, the next witness has to be out at noon for another meeting. I wonder if Mr. McARDLE, could you remain a little while?

Mr. McARDLE. I am sorry—of course I will have to, if you want me to, but I have some people coming from New York. I am currently chairman of the National Conference of Christians and Jews, and we have them coming at noon up at Brookings Institute.

Mr. HOGAN. I have just one further question.

Mr. FAUNTROY. OK, if you could then submit these other questions relating to the evidence of the inefficiency of the of the form of government we have had so long, that it has resulted in all of these higher cost projections—if you submit those questions to the board of trade, I am sure they would be willing to submit them back for the record as evidence for the need for change.

Mr. HOGAN. Well, Mr. Chairman, I am not suggesting that this reflects inefficiency at all. I am just reciting some facts of what the costs are, after having discussed it with Congressman Nelsen, he suggested that I present this.

Mr. FAUNTROY. I certainly understand, and appreciate that. But the whole Nelsen Commission report is a document of inefficiency.

Mr. HOGAN. May I just ask one further question, Mr. Chairman?

The Senate committee's report in the 92d Congress, Report No. 92-844, which accompanied H.R. 15259, and is dated June 12, 1972, indicates that the Federal payment as the percentage of tax receipts for 1972, was 40½ percent. Were you aware of that?

Mr. McARDLE. No. I didn't think it was anything like that. I thought it was more—closer to—for the total operating budget, I thought it was closer to 32 percent.

Mr. HOGAN. The factor here is the Federal payment as a percentage of tax receipts, and that is reflected in the Senate Committee report as 40½ percent.

Mr. McARDLE. Yes, but that is different. Forty percent then, that's 40 percent of tax receipts, and not 40 percent of the operating budget.

Mr. HOGAN. That is correct.

Mr. McARDLE. So it would come closer to the 30 that I have indicated.

Mr. HOGAN. So you would have it be 40 percent of the total operating budget?

Mr. McARDLE. Right, right.

Mr. HOGAN. So for this year it would be—if the total operating budget is \$800 million, you would want a \$320 million Federal payment?

Mr. McARDLE. Yes.

Mr. HOGAN. Then, Mr. Chairman, the Treasury Department has issued a Federal aid to States fiscal 1972 report, and in that, it lists the District of Columbia as having received a grand total of Federal aid to States including Federal payment of \$563 million, and Mr. Nelsen noted that his State of Minnesota had received only \$636 million total.

Mr. McARDLE. Now you see now, this is part of the reason why I say you need a charter study, because this kind of question is really a loaded question.

It doesn't state precisely what the facts are, because the Government operating budget is a billion—closer to a billion. So you are talking about not \$536 million, was it, or \$537 million—

Mr. HOGAN. The total grant, the Federal aid to the District of Columbia—and that would include the Federal payment for 1972 is listed by the Treasury Department in their report as \$563,693,000.

Mr. McARDLE. Let me say when I say Federal payment, in the form of 40 percent, that that would do it as far as the moneys that were sent to the District, but there are other payments that are made, and

those other payments, in the forms of grants and so on are included in the figures of the tax.

Mr. FAUNTROY. Which every other State in the union is entitled to, which we get.

Mr. McARDLE. That's right.

Mr. FAUNTROY. In spite of the fact that other States are not as heavily impacted with demand upon local resources for delivery of services to the Federal establishment.

Mr. McARDLE. Of course not. This is a Federal city, sure.

Mr. FAUNTROY. That's right.

Now, thank you Mr. McArdle, I didn't want to get into a discussion of the whole question. We certainly appreciate the quality of your testimony, and really look forward to the results that you might contribute.

Mr. McARDLE. Thank you very much.

Mr. FAUNTROY. Now, I must call at this time upon Ms. Martha V. Pennino, Chairwoman of the Washington Metropolitan Council of Governments, member of the Fairfax County Board of Supervisors.

STATEMENT OF MARTHA V. PENNINO, CHAIRMAN OF THE BOARD, METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Ms. PENNINO. Thank you very much, Mr. Chairman. As you have stated for the record, my name is Martha V. Pennino, and I am Chairman of the Board of the Metropolitan Council of Governments; and I am also a member of the Fairfax County Board of Supervisors.

I am pleased to appear today in my capacity as Chairman of the Washington Council of Governments to express to this subcommittee the unanimous support of the COG Board of Directors for local self-government for the citizens of the District of Columbia.

The Council of Governments—COG—is the areawide association of the region's 15 major cities and counties. Its membership covers the entire Washington standard metropolitan statistical area and all of its 3 million citizens.

COG works toward solutions to such regional problems as traffic congestion, inadequate housing, air pollution, water supply, crime and many others. In addition, COG is the regional planning organization for Metropolitan Washington.

The District of Columbia Government has always been a vigorous participant in this coordination and cooperation. It is ironic that the Council of Governments should be appearing here today to endorse self-government for the District, because 16 years ago tonight the District hosted the meeting which established this Council of Governments.

Last year the COG Board of Directors unanimously endorsed local self-government for the citizens of the District of Columbia, including control over their own fiscal affairs. Members of the COG Board, which includes representatives from each of our 15 cities and counties in COG and two State legislatures as well, were emphatic in stating the need for an elected local governing body in the District of Columbia.

It was the sentiment of the COG Board in that discussion that the central city in a metropolitan area of 15 major local governments, two State governments and the Federal Government must have the strongest possible form of government for the sake of the entire metropolitan area, as well as for its own sake. In another touch of irony, Mr. Chairman, in our regional organization of 194 local government officials, only those of the central city are not elected to their local office.

Nowhere else in the United States does this apply, and the Council of Governments, through its Board of Directors, feels it should not apply here either.

Yet, because of the vision and efforts of all of our governing officials, including those in the District, we have combined through COG to achieve encouraging progress in seeking to reduce the problems which confront America's urban centers today.

Even without home rule, the District has developed the capacity to work effectively with its suburban neighbors. By working together during the last 16 years through the Council of Governments, the District and its neighbors have established: radio and teletype networks linking area police and fire departments; a distribution formula to help allocate federally subsidized low- and moderate-income housing units throughout the area on a "fair share" basis; a scientific laboratory, set up through the District government, to analyze our air on a 24-hour-a-day basis; a guide ordinance which is the basis for air pollution laws adopted in every major jurisdiction, and a regional air pollution alert system, also prepared through COG; mutual aid agreements so police and fire departments can aid each other in large-scale emergencies; express bus experiments in Maryland, Virginia, and the District to help both city residents and suburbanites to get to work more easily.

Many other major projects are underway, including a complete updating of the year 2000 plan. This is the document intended to guide the development of our region for the rest of the century.

In our opinion, any home rule plan gives the District an immense opportunity to take even greater steps forward in the future if Congress gives the District citizens their own elected government.

Because of these convictions above the need for so-called home rule in the District, and in view of such progress as these examples which I have just mentioned, the Board of Directors of the Council of Governments unanimously approved a resolution on May 10, 1972, supporting local self-government for the District of Columbia.

Our Board pointed out that the development of the entire Washington area is directly linked to the vitality and well being of the District. Our resolution also supported the District's right to determine its fiscal priorities and to raise and allocate revenues.

I am pleased to submit a copy of the resolution as part of the record.

The Council of Governments feels it would be presumptuous of us to support one plan of home rule in preference to others. For that reason, Mr. Chairman, we take no position among the various plans pending before this subcommittee.

Our position is simply that the District of Columbia needs local self-government, including the right to determine its own fiscal priorities and to raise and allocate revenues.

It is also our position that such a decision by the Congress will be a major stride forward in the affairs of our suburbs as well as in the District of Columbia.

For all these reasons, Mr. Chairman, we local governing officials in the Council of Governments urge this subcommittee and the Congress to enact legislation establishing local self-government for the District of Columbia.

Thank you.

Mr. FAUNTROY. Thank you so very much, Ms. Pennino, for a very clear and lucid statement. We certainly appreciate the concern and interest of the Washington Council of Governments for the District of Columbia, and I want to commend you for the fine work that you are doing representing the people in your county on the county board of supervisors.

Ms. PENNINO. Thank you.

Well, we sincerely feel that by taking the regional approach that we strengthen our own suburban governments, and we recognize the need for the District to have self-determination, and we feel that this not only has—as I have stated—not only helps the District, but will be beneficial to the region. We would like for this to be a strong region.

Mr. FAUNTROY. Thank you so very much.

I will turn to Mr. Landgrebe for questions.

Mr. LANDGREBE. Ms. Pennino, where do you reside? Where is your home?

Ms. PENNINO. I live in Vienna, Va., which is a small town of about 17,000 inhabitants, in the County of Fairfax, Va.

Mr. LANDGREBE. And where is your office, of this Metropolitan Council of Governments?

Ms. PENNINO. My office for the Metropolitan Council of Governments, I am chairman of the Board of Directors, this is a position I am elected to by all of the members of the Council of Governments.

The Council of Governments is made up of all of the elected officials of this region, the Metropolitan statistical region, which encompasses—

Mr. LANDGREBE. 294 members, I understand.

Do they have an office, or do you operate from your home?

Ms. PENNINO. The office is on Connecticut Avenue.

Mr. LANDGREBE. Connecticut Avenue—that is your place of business, or of employment?

Ms. PENNINO. No, my place of employment—I am an elected official to the Fairfax County Board of Supervisors, and I have an office in the town of Vienna.

Mr. LANDGREBE. I see.

But as a—you do not commute into Washington, then, to carry on your business particularly.

Ms. PENNINO. No. I come to Washington, I would say, on the average of one time a week to represent the point of view of the Council of Governments; today is the regular meeting day of the board of directors of that council, and I will be presiding over the board, in about a half hour.

Mr. LANDGREBE. Do you feel that this right of determination that you so strongly foster, that the people who would be elected to run the government ought to have control over raising the money outside of

what the Federal Government—should they have a right to levy taxes on what they feel they ought to levy taxes on?

Ms. PENNINO. Yes.

We feel that no citizen of the United States should be denied the right of self-determination in electing his elected officials, and that the elected officials should be representative of the people. It could hardly be direct representation if the elected official did not have the right of taxation, because it is through the raising of funds and the expenditure of those funds that you carry out the programs that the people support.

Mr. LANDGREBE. Well, wouldn't it seem reasonable to finance a city—now, there has been sort of an equal discussion here, self-determination and Federal funding. I represent 475,000 people in Indiana.

Some of them come here to visit, to do business. But they do not, are not directly employed in the District of Columbia. Wouldn't it seem reasonable then that we—that this group should be sort of mandated to put on a commuter tax, so that the people who live in your community, Fairfax, Prince Georges and other communities and surrounding areas who come into Washington who really reap the benefits of employment or business in this town, wouldn't it seem reasonable that as we say—now we are going to talk about 40 percent.

Wouldn't it be reasonable that if we talk about cutting it to 30 percent, and making up the difference with commuter taxes from you people around the fringes of the city, who come here and express such a deep concern for the welfare and the prosperity of this community?

Ms. PENNINO. Well, that issue has been discussed a number of times and the phantom of commuter tax, I think has been raised time and time again.

I would like to point out to you that there is always a possibility of reciprocal taxation. I hope that such would not occur.

Also, with the dispersal of the Federal Establishment out into the suburbs, in the Geodetic Survey has established their main function, or will be functioning in the Virginia suburbs in the new town of Reston; and I believe something like 30 percent of the employees of the National Geodetic Survey are residents of the District.

They will be commuting to Virginia to work. We find that there is a two-way commuter effort in the morning. All of the rush isn't into the innercity. There is a rush developing out to the suburbs; not to Virginia, but to many of the establishments in Maryland.

It appears as time goes on, there is going to be more employment in the suburbs for the innercity residents, and I don't think that the commuter tax is a real threat.

Mr. LANDGREBE. What county do you live in? Fairfax?

Ms. PENNINO. I live in Fairfax County. I am an elected official to the Board of Supervisors of Fairfax County.

Mr. LANDGREBE. There are a number of Federal installations out there in the county.

Ms. PENNINO. Right.

Mr. LANDGREBE. Do you have Government, Federal payments other than impacted aid for the schools?

Ms. PENNINO. We have a number of Federal payments in the way of categorical grants. We are looking toward revenue sharing. We have

been told, however, that the aid for educational aid, impacted funds, are going to be cut back if not completely denied.

We know that funds that have already been allocated for sewer and water and for housing, have been impounded. We recognize that we get many benefits in the way of Federal funds. These are taxes that come from the local level and go to the Federal level, and then are returned, based on a formula, and based on need.

We also have the right to tax and raise money locally. Now, I heard part of the discussion about the Federal grants that the innercity receives; but with the innercity, with the lack of the right to decide its financial affairs and to set its own budget, and to raise funds, there are many areas of taxation that are denied to it.

Mr. LANDGREBE. You have Federal Government employees, Federal Government officials living in Maryland who are members of your organization, don't you?

Ms. PENNINO. Yes, I do.

Mr. LANDGREBE. What is their feeling on retrocession? Are they strongly—

Ms. PENNINO. I don't know what you mean by retrocession.

Mr. LANDGREBE. Do you—simply for this city to become part of the State of Maryland.

Ms. PENNINO. This is an issue that—

Mr. LANDGREBE. Subject to the State laws, such as the people of Indiana are subject to the State laws of Indiana, do you think this city should be set out as being unique, having just self-determination with no layers of government above?

Ms. PENNINO. This is an issue that our board of directors has not discussed.

Mr. LANDGREBE. And should we subject the people of this community to a situation such as that, where they do not have the protection of layers of government other than just their city government?

Ms. PENNINO. I could not present to you a position for the COG Board of Directors, because it has not taken a position on that issue. I could only give you my own personal opinion.

Mr. LANDGREBE. Well, all right, let's have it.

Ms. PENNINO. My own personal opinion, I do not endorse the concept.

Mr. LANDGREBE. Well, one more question. Have you ever traveled to, say, Gary, Ind., where people have the right to vote? And there are people who are elected to office and have responsibilities of managing a city, have really created sort of a wasteland out there.

It is not all that far out there. If you want to see what happens when elected officials under certain circumstances get hold of the power—and I am telling you, it's not only white people that suffer in these circumstances. There are black people, there are people of all race, creeds, and colors—are suffering in Gary, Ind., today, because of real home rule.

So I am going to insist as these hearings go on, that we maintain a balance, and that we look toward the results and that we try to determine whether the people generally speaking in this community are going to be happier, more prosperous; they are going to be safer, and freer, if we move to some other government, considering particularly in this city, where there is a 7 to 1 political party registration.

It would seem to me that as we turn this city over to the 7 to 1, certainly that 1 out of 7—he can go and vote two or three times if he could, and he still will have absolutely, totally no vote in the operation of the city—totally no weight at all.

Mr. FAUNTROY. Ms. Pennino, before you answer the question, let the record show that the gentleman from Indiana should know, if he doesn't know, that the problem in Gary is a problem of major industries pulling out, just as there are some at this table, in this Congress, who would have the major industry pull out of the District of Columbia, and not pay its fair share of the cost of running Government.

I don't know if he means by the 1 in 7, the white in 7, or the 1 Republican in 7.

Mr. LANDGREBE. I was referring to political parties.

Mr. FAUNTROY. Neither of those have any reference whatever to the question of what it takes to run the community and that is money, and when U.S. Steel pulls back into Gary, and becomes involved in the paying its share for the running of that community, Gary will be viable whether it has a black mayor or not; whether it has a black city council or not.

The District of Columbia, if the Federal Government will pay its fair share of the cost of the services required by the presence of the Federal Government, we will survive also.

The question was asked to you, whether or not you had much Federal impactment in your area. I wonder how many embassies you have in your area which are the guests of this Nation, by virtue of the fact that they are invited to the Nation's Capital, which embassies pay no taxes for the water that is purified that they drink, or the lights that are on the streets outside, or the streets on which they ride.

How many such Federal conveniences are made available in your—

Ms. PENNINO. Well, compared to the District, very few; but we do feel the impact of Federal establishments that are not taxable, and that was the whole theory behind the impacted aid for education.

I think one of the fallacies of—behind the impounded funds at this time, this is not an industry that is tax producing. It is governmental service, and it is just that. It is great to have the Federal establishment relocating out into the suburbs to take congestion off of the highways, but with the relocation come many problems, not only problems of revenue from the land that otherwise would be taxable, and I know this is a tremendous problem as far as taxation in the District goes.

But the employment for those persons in the inner city, and the lack of transportation for them to get out to their jobs, and as far as home rule goes, Congressman Landgrebe, I am a strong advocate of home rule for my own county.

I am sure you are fully aware of the forms of county government under which we operate, where all of the powers we have are delegated to us by the State, to carry out State rights and State responsibilities.

In rapidly growing areas, I assume, such as your Gary, Ind., as well as our Washington, D.C., and our Fairfax County, we feel that we are on the frontiers of change, and we do not know what the problems of tomorrow will be, so therefore we cannot ask for a specific legislation.

I think it really behooves those in power to give us local determination, so that we can face up to and solve our problems as they occur, and we would ask nothing less for the District of Columbia than we ask for ourselves.

Mr. FAUNTROY. Thank you for answering the gentleman's questions.

Ms. PENNINO. You are very welcome.

Mr. FAUNTROY. Counsel?

Mr. DePUY. I will pass. The witness has to go to a meeting I believe, at noon, isn't it?

Mr. FAUNTROY. Counsel?

Mr. HOGAN. May I ask just one question?

Ms. Pennino, Congressman Nelsen regrets that he cannot be here.

Ms. PENNINO. I also regret not having the opportunity to meet him.

Mr. HOGAN. Did you also indicate to Mr. Landgrebe that there are other sources of taxation and revenue that the District could generate?

Ms. PENNINO. Well, I am not, and I don't want to pretend to be the expert on what types of taxation the District should consider, but there have been a number of proposals made recently, not only commuter tax, but parking tax, things of this sort.

I know that the District does have a sales tax. As one who shops here fairly often, I pay that tax. But I believe the District should have all rights of taxations that other local governments have, that they should not be denied them.

Mr. HOGAN. The only reason I asked that question, Ms. Pennino, is that the Nelsen Commission had a study of this, and the principal source that the staff assistant came up with for additional tax revenue, as I recall, it was the commuter tax, was the principal source.

I just thought perhaps you had some other sources, that you might enlighten us.

Ms. PENNINO. No.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you, and thank you so much for a very able testimony.

Ms. PENNINO. Thank you very much. It was my pleasure.

Mr. FAUNTROY. Our next witness is Mr. William Lucy, chairman of the Democratic Central Committee.

If you will come forward now.

I also want to submit for the record petitions signed by some 200 members—200 citizens of the District of Columbia, who are responding to a statement at one of our previous hearings, that a room that could accommodate 200 was just about empty, and petitioned our committee saying:

"We, the undersigned, would like to express our concern about the District of Columbia home rule hearings presently being held by the House District Committee.

"We are dissatisfied with the time that the hearings are being held, because so many residents of the District of Columbia must work or attend school during the day."

I think that's just an indication from some 200 citizens at least of their desire to be here inasmuch as recent studies have indicated that at least one-third of those residents work full-time jobs with part-time pay.

Their positions are quite involved.

(The material referred to follows:)

We, the undersigned, would like to express our concern about the D.C. Home Rule Hearings presently being held by the House District Committee. We are dissatisfied with the time that the hearings are being held because so many residents of the District of Columbia must work or attend school during the day.

Anthony Williams, 624 Morton Pl. N.E.
 Brenda Chase, K St. N.E.
 Brenda Griffin, 57 O St. N.W.
 ----- Waters, 518 D St. N.E.
 Isaac Harris, 1009 Fla. Ave. N.E.
 Darlene Washington, 835 Fifth St. N.E.
 Barbara Dukes, #12 New York Ave. N.E.
 O'Shelya S. Brown, 1407 Trinidad Ave. N.E.
 Barbara Street, 65 W St. N.W.
 Derrick N. Holloman, 45 Q St. N.W.
 Ronnie Thomas, 658 G St. N.E.
 Donald Cheatham, 640 L St. N.E.
 Beverly Gray, 1222 I Street S.E. Apt. 22
 McShaw, 8504 16th St., Silver Spring, Md. 20910
 Eric Eddings, 1215 Meigs Pl. N.E.
 Reginald -----, 1236 New Jersey Ave. N.W.
 Theresa Stevenson, 1411 West Va. Ave. N.E.
 Thelma Jackson, 901 F St. N.E.
 Jeanita Pa-----, 1121 7th St. N.E. 20002
 Cheryl Miller, 611 7th St. N.E. 20002
 Lelia Dunmore, 1504 E St. S.E. 20003
 Floyd Bryan, 1760 Lang Pl. N.E.
 Fee W. Lee, 1305 H St. N.E.
 Sheila Carpenter, 423 6th St., N.E.
 Mary Parker, 705 4th St. N.W.
 Judy Shepkerd, 1403 Orren St. N.E.
 Frances Johnson, 222 Que St. N.W.
 Celestine Moore, 1007 16th St. N.E. #1
 Audrey Edwards, 1234 A Simms Pl. N.E.
 Darryl Blackwell, 1157 Neal St. N.E.
 Curtis Adamson, 68 Bates St. N.W.
 David Murray, 1134 7th St. N.E.
 Deborah Galery, 1127 Morse Street N.E.
 Isaac Harris, 1009 Fla. Ave. N.E.
 Phyllis R. Beckweth, Wash., D.C.
 Richard A. Browner, 4022 Ely Pl. S.E.
 Frank Williams, 1108 3rd St. S.W.
 Bruce Cole, 101 Ridge Rd. S.E.
 Clayton Wood, 308 Oneida St. N.E.
 Sadie White, 517 K. St. N.E.
 Paula Noble, 1007 Mc. Ave. N.E.
 Nena Roberson, 819 4th St. N.E.
 Claudene L. Mitchell, First & N Streets N.W.
 Rickey D. Peay, 1411 N.J. Ave. N.W.
 Michael Bolden, 1267 Owen Pl. N.E.
 Patricia Minor, 429 3rd St. N.E.
 Dorothy Strong, 530 4th St. N.E.
 Denis Taippins, 1109 Montello Ave. N.E.
 Richard H. Boyd, 1235 16th Street N.E.
 Gloria Summers, 114 Const. Ave. N.E.
 Wayne Brown, 1240 Wylie St. N.E.
 Benid Stoves, 1447 Bolints St. D.C.
 Elvira Williamson, Wash., D.C.
 Charles A. Skinner, 1755 Harvard St., N.W.
 Gary J. Spencer, 1233 Oates St., N.E.
 Eric Smith, 517 5th St. N.E.
 Onita F. Alexander, Wash., D.C.
 Michele Wilson, 741 Kenyon St. N.W.

Michael Bush, 709 I. St. N.E.
 Donna Loekson, 3437 Oakwood Terr. N.W.
 Evelyn Grimes, 1228 Neal St. N.E.
 Deborah Tabron, 1240 Neal St. N.E.
 Jimmy Whiting, 138 A Ave St. N.W.
 Linda Johnson, 136 A Ave St N.W.
 Mae F. Wilson, 3724 30th Pl N.E. 20018.
 Elaine Holland, 1212 Eye St. N.E.
 Albert S. Fortson III, 507 M. St. N.E.
 S. V. Williams, Dunbar High School.
 Ronald Rivers, 617 7th St. N.E.
 Eishel Donaldson, Dunbar Sr. High.
 Dennis Lanham, 1629 U. St. S.E.
 John Elwell, 3818 W. St., N.W.
 Vance Pitts, 1235 Kinden St. N.E.
 Leon A. Porter, 1546 3rd St. N.W.
 Donald B. Porter, 1238 Crittenden St. N.W.
 Darrell Tibbs, 417 3 St. N.E.
 Darlene Skipwith, 520 E. St. N.E. No 301.
 Alberta Washington, 424 Ewart N.E. No. 2
 Bernard Pys, 3220 17 St. N.W. No. 301
 Willie M. Buie, 1405 Montana Ave N.E.
 Ruth O. Morris, 2317 No. Cap. St. N.E.
 Nora Tysinger, 653 16th St. N.E.
 Jackie Jones, 65 North Capt. St. N.W.
 Eva M. Elinkscaler, 604 7th St. N.E.
 B. McWhylies, 1714 Lyman Pl., N.E.
 A. Znaught, Ave 1141 5th St. N.E.
 Wanda Brown, 703 K. St. N.E.
 Dione Harmond, 1806 L. St. N.E.
 Glendora Harison, 32 O St. N.W.
 Wanda Neal, 1630 Fuller St. N.W. Apt. No. 504
 Maysta Truchi, 3548 Minn. Ave. S.E.
 Janella W. Martin, 5506 North Capitol Street, N.W.
 James E. Steadman, 718 K. St. N.E.
 Robert Ruffin, 712 7th St. N.E.
 Michael Alner, 1758 Lyman Pl.
 Catherine Fortson, 507 M. St. N.E.
 John W. Tresciat, 1718 M Street, NE.
 Marion Lyles, 129 11 Street, NE.
 Arnell Douglas, 1268 16th Street A NE.
 Manya Sullivan, 1229-18th Street NE. #2.
 Sylvia Wright, 1228 Monte 110 Ave. NE.
 Sheryl Graham, 1158 Neal St. NE.
 Maxine Jackson, 1300 Orren St. NE. #1.
 Charles Kelly, 215 Florida Ave. NW.
 Janet Rivers, 617-7th St. NE.
 Beverley Ward, 1150 1st Place NW.
 Oidric Fensisck, 1150 1st Place NE.
 Lennard Hamlett, Wash, D.C.
 Pinckney McCoy, 68 New York Ave. NE.
 Harvey Jackson, 901 F St. NE.
 Timothy Smith, 933 L St. NW. #503.
 Liptra Baird, 643 Morton Pl. NE.
 Bernard Willey, 1905 Lincoln Road NE.
 Elbert Monroe, 230 Bates St. NW.
 Cary Jeffers, 1193 1st Terrace NW.
 Donald Malley, 100 W St. NW.
 Tyrone Whiting, 138 D St. NW.
 Daphne Draughon, 231 P St. NW.
 Kenneth Chase, 1635 First Street NW.
 Miles Holcoman, 45 Q St. NW.
 Melvin Goochwin, 509 K NE.
 Hubert Johnson, 738 Harvard St. NW.

James Taylor, 609 L St. NE.
 Wendy Smith, 62 K St. NW.
 Evelyn Wallace, 716 G Street, NE.
 Theresa Pearson, 236 G St. NE.
 Jane A. Rivers, 617-7 St. NE.
 Shirley Clawson, 1434 Montello Ave. NE.
 Purnell Newman, 1201 Trinidad Ave. NE.
 Annie James, 65 M St. NW.
 Rodney G. Dunn, 707 13th St. NE.
 Munzie Wooden, 1805 16th St. SE.
 Brenda Taylor, 1112 Rena St. NE.
 Mary Hamillian, 1018 K St. NE.
 Doris Hoskins, 1010 K St. NE.
 Diane Clayborne, 72 L Place NW.
 Yvonne Young, 2601 30th St. NE.
 Nick Robinson, 923 5th St. NE.
 Denise Herring, 473 Ridge St. NW.
 Anthony Johnson, No. 13 P St. NE.
 Kathy Crass, 4025 St. NE.
 Dwight Harris, 1108 H St. NE.
 Darlene Byrd, 80A M St. NE.
 Beatrice McWhirter, 1714 Lyman Pl. NE.
 Ophelia Jacobs, 434 13th St. NE.
 Wayne A. Stroman, 1410 Kennedy St. NW.
 Delra Seals, 1116 Orren St. NE.
 Glenda V. Sims, 1422 Trinidad Ave.
 Robinette Thurston, 633 F St. NE.
 S. Harley, 1750 Harvard St. NW.
 R. Slaughter, 632 Chaplin St. SE.
 Robert Reid, 1357 Childress St. NE.
 James Brown, 113 Pen St. NW.
 James Means, 1236 I St. NE.
 Gerald Means, 916 C St. NE.
 Clarence Green, 821 11th St. NE.
 William Wilson, 4117 Alabama Ave. SE.
 Rosido Black, 1321 Valley Pl. SE.
 Carolyn Smith, 1214 Neal St. NE.
 John Ward, 1402 Orren St. NE.
 Deborah Reese, 1122 K St. NE.
 Gregory White, 80 P St. NW.
 Edward Luster 1133 3rd St. NE.
 Valerie Randolph, 1908 M St. NE.
 Michael Green, 1403 Morse St. NE.
 Carolyn Ford, 1641 L St. NE.
 Donna Brent, 1311 Oates St. NE.
 Bennett Dixon, 1110 Oates St. NE.
 Theodosia Green, 1238 Neal St. NE.
 Wanda Pitcher, 1418 Trinidad Ave. NE.
 Benee Maten, 1415 Adren St. NE.
 Donna Warfield, 518 6th St. NE.
 Darlene Padgett, 1212 Staples St. NE.
 Rolanda Broads, 1300 Staples St. NE.
 Joseph Bryant, 1406 Trinidad Ave. NE.
 Marlene Hailey, 2208 Rand Pl. NE.
 Ivory Murray, 2615 Sherman Ave. NW.
 Joyce Bolden, 1247 Owen Pl. NE.
 Venice Walter, 1228 Holbrook St. NE.
 Kathy Boyd, 603 Acker St. NE.
 Nancy Reed, 1300 Holbrook St. NE. No. 4
 Sandra Anthony, 1206 Bladensburg Rd. NE.
 Dorothy Barber, 1310 Queen St. NE.
 Clara Barksdale, 624 19th St. NE.
 Gloria Highstraw, 34 K St. NW.
 Chester Thompson, 930 14th St. SE.
 Sheila Person, 1166 Morse St. NE.

Mr. FAUNTROY. Welcome, Mr. Lucy.
 [The prepared statement of Mr. William Lucy follows:]

PREPARED STATEMENT OF WILLIAM LUCY, CHAIRMAN, D.C. DEMOCRATIC CENTRAL COMMITTEE

Mr. Chairman and members of the District of Columbia Committee, I appear today as chairman of the Central Committee of the Democratic Party of the District of Columbia. I am authorized by that Committee to represent, in the strongest of terms, support for Congressional enactment of meaningful legislation to grant self-determination for the citizens of the District of Columbia. Appearing with me are the officers of the D.C. Democratic Central Committee and I would like to introduce them—Kenneth Kennedy, Vice-chairman; Barbara Morgan, Treasurer; and Fred Wegner, Secretary.

The movement to fully enfranchise all of the citizens of this nation has been one of the high priorities for the Congress during the last decade. And the D.C. Democratic Central Committee now urges this Congress to make self-determination its number one priority.

There is the dramatic evidence of the changing political life in many communities and states following the enactment of the 1965 Voting Rights Act.

The 26th Amendment brought full responsibilities and rights of citizenship to our 18-year-old citizens. We, in the District, would like those same rights extended to *all* of our citizens.

Significant barriers to voting imposed by registration laws were eliminated in the 1970 amendments to the Voting Rights Act. The barrier to real political participation by citizens of the District is the U.S. Congress.

Clearly in these years of changing political awareness and instant mass communication, the Congress has responded with historic steps to encourage involvement, participation and the fullest exercise of the rights of every citizen in the complex and compelling process of democratic government. Even this week, the United States Senate is considering further ways to remove the impediments of archaic registration laws with consideration of the McGee Bill authorizing voter registration by mail.

Beginning in 1956, with the election of officers of political parties, Congress has inched toward providing citizens of the District a small measure of political comparability with the citizens of the rest of the nation.

This now extends to participation in the election of the President and Vice President, the District's School Board, and in 1971, the election of a Delegate to the Congress with his limited right to participation in the House.

Paralleling these developments has been a fuller participation by the District citizens in the organization of responsible political parties capable of fully supporting not only their role in the nominating and election processes, but equally important, their role as responsible institutions for formulating and affecting opinion on vital public issues in the community.

To me, this growth and maturing of our District's political parties is another compelling reason for now authorizing full and responsible self-government to our citizens.

Through participation and registration and voting, our citizens clearly indicated their readiness as an informed electorate to assume full political responsibilities. Like voters everywhere in our nation, there is always higher involvement and participation when the stakes are for real, and the elections meaningful. The steady rise in the number of registered voters, and the involvement we see demonstrated in the business of politics—even when it is frustrated by the lack of ultimate responsibility of presently elected officials—are clear signs that point to the political maturity of our citizens. The District of Columbia's Democratic Central Committee urges this Committee to act now—this session—on legislation that will be in the tradition of the significant Congressional actions of this past decade which have expanded the door of full citizenship rights.

We do not believe that there today exists any insurmountable barriers or reasonable objections to an orderly assumption of full rights for District citizens, including full Congressional representation and elected local government machinery, capable of exercising all powers essential to government of the non-federal responsibilities in the District.

The following is the position of the Self-Determination Coalition which the D.C. Democratic Central Committee strongly endorse and supports.

LOCAL FINANCIAL AUTHORITY

Local taxing authority

The new District of Columbia Government should have complete authority to establish local taxes and engage in any other revenue-raising activities which it deems necessary. The local taxing authority should include the power to set not only those taxes now established by Congress, such as the District's income tax and the sales tax, but also any new taxes, charges, or fees. The District should also be authorized to establish other income-raising methods determined appropriate.

The local taxing authority for the District should be analogous to that now generally possessed by State and local jurisdictions. This comprehensive local revenue-raising authority is essential if the new District Government is to have the flexibility necessary to meet the current and future needs of the city. Pursuant to such authority, the new District Government would carefully review at the outset, and on an annual basis thereafter, the level and applicability of existing local taxes and the desirability of any additional taxes or fees and charges. With respect to other revenue-raising authority, the District would presumably wish to examine such potential revenue items as lotteries and off-track betting. Experience in other jurisdictions indicates that these types of revenue-producing activities should be fully explored.

The local taxing authority we envision is one unhampered by any restrictions in the enabling legislation. Recognizing that there might be certain areas of disagreement at this point, in terms of the extent of the District's authority as it might affect individuals, activities, or organizations within the city, we would propose that any restrictions on the District's ability to raise revenue from local sources be fully recognized and accounted for in the computation of the Federal financial commitment to the District. Absent either complete local taxing authority, or appropriate recognition of a reduced local taxing base in Federal financing for the city, the District could find itself seriously hamstrung in its effort to rationally fulfill its responsibilities to both the local citizenry and the obligations resulting from the presence of the Federal Government.

Local borrowing authority

The new District Government should be authorized to engage in public borrowing for the capital construction expenditures of the city. The borrowing authority should be flexible to the extent necessary to allow the city to either pledge specific revenues to a particular bond issue or to provide general borrowing with principal and interest paid through the use of operating funds.

The District's borrowing authority, in a manner analogous to most state and local jurisdictions, should consist of the power to issue tax-exempt bonds. In the event that Congress, through the enabling legislation, should determine that a Federal guarantee of local District bonds is preferable to tax-exempt bonding authority, then that Federal guarantee should be tied to an automatic interest-subsidy payment by the Federal Government. This interest-subsidy feature would be necessary to insure that the District be able to borrow at effective rates comparable to those available in the tax exempt market.

The District's current outstanding capital debt, which consists of long-term borrowing directly from the Federal Government, should be repayable either according to the existing payment schedules or through refinancing by the District Government, utilizing its new borrowing authority. Specific provision should be made for the exclusion from the District's local debt of any outstanding obligations of the Federal Government, such as the indebtedness of the National Capital Housing Authority. Those obligations are likewise "Federal obligations" within state and local jurisdictions and should not be considered local borrowing.

The District's borrowing authority should be subject to a debt ceiling established by the local legislative body. The initial debt ceiling and any future changes in the ceiling should be determined by two-thirds concurrence of the full local legislative body. The District's borrowing authority should be subject to the annual budget process of the city.

Local budget authority

The new District Government should have complete authority to establish the local budget. This authority should be divided between the executive branch, through submission of an executive budget, and the legislative branch, through

the approval process. The District budget should be balanced on the basis of all funds available to the city, with authority to engage in short-term borrowing in anticipation of revenue receipts.

FEDERAL-DISTRICT FINANCIAL RELATIONSHIP

Federal payment

An annual Federal payment should continue to be made to the District Government. Historically, this payment has been made in recognition of the presence of the Federal Government and its significant impact on the city. That impact was recently reviewed in detail by the Commission on the Organization of the Government of the District of Columbia.

The Commission, quite correctly in our view, concluded that it is difficult if not impossible to quantify the impact of the Federal Government in the District. Rather, the Commission outlined numerous factors which underlie the Federal financial commitment to the city. Those factors include the significant amount of land, and land value, in the city exempt by virtue of Federal ownership, the unique limitations on the local tax base due to the relative lack of revenue-producing commercial and industrial enterprises; limitations on the District's tax base due to height limitations and other zoning restrictions; and the effect of Federal agency relocation and leasing decisions. This list of factors is illustrative of the considerations inherent in the Congressional decisions over a period of decades in providing the Federal payment for District Government operations.

The Commission viewed the Federal payment as representing an equilibrium on balancing the benefits and costs resulting from the Federal presence. The result of the historical balancing and decision-making on the part of the Congress with respect to the Federal responsibility to the city is reflected today in the existing annual authorized Federal payment of \$190 million. The historical perspective which has led to the establishment of that amount appears to us to be an appropriate place to begin the new Federal-District financial relationship.

We would propose that the annual Federal payment be established with two objectives in mind. The first objective is a clear recognition that the payment cannot remain at a static, fixed level as the needs of the city continue to grow. Rather, the payment, as has been the case historically, should be established so as to allow for increases based in a rational manner upon the District's own revenue commitments and resources. Second, the procedure by which the Federal payment is made to the city should be automatic. Payment should be automatically appropriated and provided to the city on a timely basis at the beginning of each fiscal year. This feature will allow the local District Government to accurately predict the resources it has available and proceed with its budget planning and city operations in an orderly and efficient manner.

In recognition of the Congressional determination of the current amount and the historical incremental increases provided by the Congress, we would propose that the enabling legislation provide in the initial year, the current authorized payment of \$190 million. For the succeeding five years, that payment would automatically be recomputed to reflect an increase by the same percentage as the increase in the local general fund revenues. At the end of five years, the question of the future Federal-District financial relationship should be examined jointly by the District Government and the Congress to determine the appropriateness of this method of computation in light of the five-year experience.

This proposal is designed to build on the wisdom of the prior Congressional decisions on the Federal commitment to the city, and to insure a specific payment to the city for budgetary and planning needs.

Existing obligations

In order to insure that the new District Government is not unreasonably burdened with extraordinary expenditures as a result of expanded functions or unique circumstances, a careful review of outstanding and potential obligations should be undertaken with the objective of identifying those obligations originating either in Federal commitments or a transfer of functions to the new government. These obligations should be accommodated through appropriate funding in legislation authorizing local self-government.

Examples of the type of obligations to be considered in this review include the following:

Robert F. Kennedy Memorial Stadium: No payments have been made on the approximately \$20 million in outstanding debt for construction of the stadium.

While the District is responsible for principal and interest payments, the stadium itself is owned by the Federal Government. Recognition should be given to this outstanding obligation, possibly through some shared Federal-District method of retiring the outstanding obligations and transferring title for the stadium to the District.

St. Elizabeths Hospital: With the transfer of St. Elizabeths Hospital to become a part of the comprehensive mental health programs of the local District Government, some arrangement should be devised to compensate the District for services of a Federal nature and for the absence, in the short-term, of normal Federal financial assistance for facilities of this nature.

Higher Education: States and localities have proceeded with the development of higher education facilities over a lengthy period of time and in many cases with substantial Federal assistance during much of that period. Only recently has recognition been given, through the enactment of legislation, to the need for higher education facilities in the District of Columbia. This fact has resulted in significant requirements for capital outlays to provide higher education facilities in the District and those expenditures should be considered in the review which we are recommending.

Personnel Systems: In certain instances the District Government has, through its operating budget, contributed significant amounts to various Federal personnel retirement systems. With the creation of a unified local personnel system and local retirement funds, appropriate reimbursements should be made into those funds in recognition of past District contributions to the Federal retirement system. Similarly, consideration should be given to the funding needs of new retirement funds for District police and firemen.

Federal reimbursements

Finally, a mechanism should be established to take care of future situations in which the local District Government must obligate itself, because of a request or action by the Federal Government, to expenditures uniquely related to Federal activities.

Some of these expenditures may be on a periodic basis such as the local costs associated with inauguration of the President. Others may be associated with unforeseen events involving the Federal Government such as mass demonstrations in the city. Generally, these expenditures are likely to occur as the result of requests by the Federal Government to develop either local programs or local facilities to serve the Federal Interest. Typically, these expenditures have not been included in the annual Federal payment to the city because of their uniqueness and the fact that they are difficult to anticipate. A reimbursement device will give the Federal Government greater flexibility to utilize District Government resources as may be appropriate to meet specific Federal needs.

The determination as to the appropriate amount to be paid by the Federal Government for these types of unique expenditures should, in the first instance, be made by the District Government and then be subject to audit by the General Accounting Office. A determination as to actual appropriation and payment should be made through the creation of an advisory body consisting of representatives from both the Congress and the District Government. Upon a determination by that body as to the appropriate sum, appropriation to the District should be on an automatic basis in the same manner as the annual Federal payment.

THE FEDERAL ROLE

The Federal government would best be served by adopting legislation delegating the full powers of state and local government to the citizens of the District of Columbia. The delegation of legislative, executive, fiscal and budget authority to an elected municipal government is completely consistent with the intent and wishes of the drafters of our Constitution. James Madison in Federalist Paper Number 43 supported the logic and validity of a locally elected government for the Nation's Capital. For the greater part of a century the Congress recognized this intent and established various forms of local government for the city.

However, today, we remain the "last colony", disenfranchised citizens in a nation embedded in the principle of the "consent of the governed." Tragically, the citizens of the District have been denied the unalienable right to elect their own representative government, to control their budget and revenues, to par-

ticipate in the daily decisions that effect their lives and to uphold the rights and duties of the U.S. Constitution.

Self-government would end the isolation of the people from their government and begin the establishment of a political involvement where the citizens may logically and systematically approach the problems that effect their lives. There exists no justification for the second class citizenship that has been relegated to the citizens of Washington. The buck should no longer be passed between the District Committee and the Mayor and City Council.

This divergence of power and authority has unfortunately led to apathy and a lack of concern by too many Washingtonians.

It is clearly in the "Federal interest" to free Congress from the burdens of dealing with the District's purely local affairs. A full-time, locally elected government held accountable to the citizens of the District will lead to a more practical, efficient and cost effective government.

Without question, the Federal role as the Congress chooses to define and exercise it is protected by the Constitution which grants the Congress exclusive jurisdiction over the District of Columbia. Clearly, the Federal and local interest should be in harmony. One supplementing and embellishing the other to enhance the beauty and operation of our city. The primary question, therefore, is what is the Federal function and to which agency, or Council, should Congress delegate various functions over which it maintains constitutional responsibility. Which functions are best served by a locally elected government and which should be under the control of a Congressional Committee or Federal agency.

Therefore, we believe, that the Federal government has three special responsibilities within the District. First, the responsibility for the well-being of the diplomatic community. Second, the responsibility for the establishment, care and maintenance of Federally owned buildings, lands and monuments, and thirdly, to maintain the physical operation of the three branches of government to insure that the Constitutional rights are guaranteed to the citizens of the District.

All other functions concerning the District should be delegated to a locally elected government. Overlap and areas of disagreement may arise but the Congress has ultimate authority to act if it feels that the actions of the District of Columbia are in conflict with the Federal function. This power would not be inhibited nor infringed upon by the establishment of local self-government.

FORM OF GOVERNMENT

The D.C. Democratic Central Committee recommends the establishment of a Mayor-Council form of government. This would include a District assembly consisting of 13 members. The proposed assembly, larger than the present nine (9) member Council, would be necessary to meet the increased responsibilities, delegated to the city, that are being generated by self-government. Jurisdictionally, the District would perform the functions of a city and county as well as a state.

The "Strong Mayor" form of government should be instituted. This would be consistent with most of the large metropolitan jurisdictions in the nation.

Executive Branch

Due to the nature of the District, the Mayor will function in a unique political environment. This is, of course, due to the relationship with the Congress, the Executive Branch and the surrounding states. The powers of the office of Mayor will be a combination of the Mayor, County Executive and Governor as is presently the case. Due to the proximity of Maryland and Virginia, the District will work closely with these states and their counties on Metropolitan problems such as pollution and water supply. The present authority of the Mayor to engage in functional agreements with surrounding jurisdictions should be continued.

The Mayor and Vice Mayor should be elected to a four-year term of office in a partisan election. Major appointments would be made by the Mayor with the advise and consent of the Assembly. This could include such offices as the Department heads, Police Chief, Fire Chief, Attorney General, Auditor and with some exceptions the Board members of all present local agencies. Such other appointments as have been made by the President of the United States would also follow this procedure.

Legislative Branch

The D.C. Democratic Central Committee, recommends that the members of the District Assembly be elected on a partisan basis both from Wards and At-

large Districts. With both Ward and At-large members, there would be an established balance between neighborhood concerns as well as individuals taking a broader view of District problems. To afford this balance there should be eight assemblymen elected by Wards and five (5) At-large members. Assemblymen should serve staggered terms of four (4) years, expiring on even numbered years and that the Assembly elect its Chairman and Vice Chairman from among its 13 members every two years following the election of its members. If a vacancy should occur before the expiration of a term, the opening should be filled by the political party of the vacated member.

The District Assembly should have full legislative power over local affairs and have all the powers normally vested in state and local government. With an area as small and compact as the District, there is no apparent need for bicameral legislature since all interests can be represented within the Assembly. However, the Assembly should be empowered to alter its size through the use of a referendum.

The statute should contain a full disclosure provision requiring for publication of all assets of persons running for public office in the District of Columbia.

The new legislative powers are in large part proposed in the Nelsen Commission report. It should include the right to set new taxes and alter existing tax rates and be able to participate in all Federal grant programs. Due to the Constitutional authority vested in the Congress, we would require both Houses of Congress to veto in order to block a city council measure from becoming effective.

Government Organization

Any agency or department exercising functions which do not fit into identified categories of Federal functions should be transferred to the District Government. This would include among others the Redevelopment Land Agency as well as the National Capital Housing Authority. Also, agencies that have dual local and Federal responsibilities should relinquish the local functions and concentrate entirely on its Federal authority. This would apply to an agency such as the National Capital Planning Commission which would relinquish local planning responsibilities to the District Government but retain its authority over Federal buildings and lands. In addition, the District should have the authority to reorganize local functions it deems necessary so that it may more effectively deliver services to the citizens.

STATEMENT OF WILLIAM LUCY, CHAIRMAN OF THE DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE, ACCOMPANIED BY KENNETH KENNEDY, VICE CHAIRMAN, DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE; BARBARA MORGAN, TREASURER, DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE; AND FRED WEGNER, SECRETARY, DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE

Mr. LUCY. Mr. Chairman, with me here today are the principal officers of the Democratic Central Committee of the District of Columbia; on my left is the vice-chairman of the committee, Mr. Ken Kennedy; on my right, Mr. Wegner, who is the secretary of the committee. And my name is Mr. William Lucy, and I am chairman of the committee.

The movement to fully enfranchise all of the citizens of this Nation has been one of the high priorities for the Congress during the last decade. The District of Columbia Democratic Central Committee now urges this Congress to make self-determination its No. 1 priority.

There is sort of dramatic evidence of the changing political life in many communities and States following the enactment of the 1965 Voting Rights Act. The 26th amendment brought full responsibilities and rights of citizenship to our 18-year-old citizens. We, in the Dis-