trict, 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 lies now in 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 U.S. 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 had 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.

Paralleling these developments has been a fuller participation by the District citizens in the organization of responsible political parties capable of full 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.

Now, as an analysis has been made in terms of other States who, through their participation in the electoral process has been drawn, I believe the statistics that relate to the participation of the District of Columbia since we've had the limited right that we have, would clearly

indicate that we stand on a par with other States and other communities around the country in terms of that process.

Other organizations have testified before this committee have submitted data of which this committee supports. And I would point out, in the 1964 Presidential election, some 90 percent of the registered voters participated in the election. In the 1968 election, some 84 percent participated; in 1972, 54 percent; and certainly in our recent Delegate election, some 44, almost 45, percent of the registered voters participated.

I think though this may not be a 100-percent mark, it certainly demonstrates that the District of Columbia is as enlightened as any other State or community around the country, in terms of the important issues of the day.

In our testimony that is submitted in document form, we go on to point out in several other areas our position on key kinds of matters to the establishment of local government. We talk about financial authority, taxing authority, borrowing authority, and budget-making authority.

In addition to the Federal and District financial relationship, the Federal loan, we attempted to find the Federal interest and we speak briefly to the form of government. I would like just to, as an overview, comment briefly on those six or seven areas.

With reference to the local financing authority, the District should have complete authority to set local taxes, both new and existent taxing, that authority that is now jointly possessed by any other State or local government. With regard to the local borrowing authority, it should be authorized to engage in public borrowing for capital construction, through tax-exempt bonds or Federal guarantee of local district bonds, with the authorized debt ceiling to be established by the District assembly as spelled out in the form of government that we speak to.

In the Federal and District financial relationship, obviously the Federal payment to the District must be continued. As now you are aware, it stands at the present time at some $190 million. That should not be reduced, but should be tied in terms of the percentage of the total budget, as the new problems, new factors that the District faces may arise.

I would emphasize that that cannot remain at a fixed and static level inasmuch as we will be facing new kinds of problems in the future that will require certainly the Federal Government to assume its full partnership role in offsetting those costs. The procedures by which this is done should be an automatic procedure so that the District would not be subject to the kind of game plan that takes place some 5 or 6 months after we are into a fiscal year and we are still not sure of what the level of Federal support would be.

I think the whole matter after some 5 years' period of time could be reviewed, looking forward to maybe a new percentage relationship or a new, fixed relationship. Under the force of existing obligations, I believe this legislation comes down, that some extensions and reviews should be made of the potential obligations so that the city as it changes its form of government, do not assume burdens for extraordinary kinds of expenditures.

I would point out one learned example that may well have been mentioned in prior testimony, that of the RFK Stadium which is, in effect, owned by the Federal Government but the District bears the responsibility for it in terms of interest payments. We think these kind of things should be removed as legislation is proposed.

With regard to reimbursements from the Federal Government, we see no justification for the District government itself assuming the financial responsibilities for inaugurations and inauguration parades and special kinds of things that are related more to the Federal presence than they are to the District government's presence itself. In terms of the Federal role and what we see some of those items being, I would point out, I think, as Congressman Fauntroy mentioned before that it is certainly the Federal Government's responsibility to look after the well-being of the diplomatic community inasmuch as they are the principal allies.

We talk about the Federal role in terms of the maintenance of the physical properties of the Federal Establishment of buildings, the lands, the monuments. Obviously, there is responsibility to maintain the physical operations for the three branches of Government that is located here in the District of Columbia and all other functions that are non-Federal should then be delegated to the District government itself.

In terms of the form of government, we would be speaking in terms of a strong Mayor form of government with the Council and the District assembly. I believe the numbers have been spoken to and are certainly listed in the document in testimony. In speaking of the legislative branch, I believe we speak of a number of assemblymen to be elected. One by ward and five at large and that body to constitute the District assembly, we speak of the terms of office in recommending that they be expired on a staggered basis.

In terms of government organization, we are simply saying that any agencies which do not have identified Federal functions should be transferred to the District, such as National Capitol Housing Authority, the Redevelopment Land Agency, and any agency with split local/Federal responsibility should relinquish the local responsibilities to the District.

Mr. Chairman, essentially what we are saying is that we want no more, no less than exist in any other city, any other State throughout the country in terms of a government that is responsible to the citizens of the District of Columbia, responsible for the extension of services as well as responsible for the electorate in terms of the issues that are faced by that community.

I don't believe that the District of Columbia is unique simply because the center of Government is located here and is not unique to any of the other countries of the world where their governments are located there. I think it is sort of ironic when, in fact, the Federal Establishment and even the Congress itself seeks in very extraordinary kinds of ways the rights for people in other countries to have the right to self-determination, yet we find numerous barriers to bring about the same kind of situation here in our own land and I would suggest that money is not the barrier. I would suggest that the ownership of property is not the barrier but it's the will and the desire to extend to citizens of this community the right to self-determination.

We would hope that this committee, as we pointed out in our testimony, would take action now and that the Congress would become as enlightened as shown in other areas in bringing about a form of government that at last we would eliminate the last colony from these United States.

Mr. FAUNTROY. Thank you, sir, very much, Mr. Lucy, for a very clear, lucid statement on the subject and for following the guidelines laid down by the committee.

Mr. LUCY. Mr. Chairman, the other officers may desire to add input into the statement. I would like, if it's possible to give them an opportunity to do so, either Mr. Wegner or Mr. Kennedy?

Mr. FAUNTROY. I was just ready to do that. I'd be very pleased to hear from the vice chairman or from the secretary of the central committee.

Mr. KENNEDY. Thank you, Mr. Chairman.

Just two matters. On page 19 of our testimony submitted for the record is a typographical error in line, I believe, 5. We use the term "Attorney General." Please correct that. Let the record correct that to U.S. attorney or district attorney.

And one other item on that same page, Mr. Chairman, the first sentence, "The Mayor and Vice Mayor should be elected to a 4-year term of office in a partisan election." I just want to suggest that I have some serious concern about the election of a vice or deputy mayor. I believe that he should be a professional technician, accountable to the Mayor with the authority vested in the Mayor to hire and to fire that person rather than creating a situation with the potential of a two-headed government both being accountable to people with the vice mayor perhaps being a very popular gentleman who could get elected but not—perhaps not being able to serve the Mayor and the city in some technical matters.

Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you.

Mr. Wegner?

Mr. WEGNER. I would just like to say, particularly to Mr. Landgrebe. I am a fellow Hoosier close to his congressional district. I have been in Indiana politics and I have been in the District of Columbia politics. I am the same person I was when I lived in Indiana. I pay Federal taxes as I did in Indiana. When I was in Indiana, I had two Senators and one Congressman to represent me.

Now I have one Delegate who doesn't have a vote. I am still paying my Federal taxes. I am also paying local taxes. And I have no local officials that I can vote for. I just don't understand the discrimination here.

Furthermore, I think, as I understand Mr. Landgrebe's point of view on a number of things, I was under the impression that you were more for State and local determination and that is just what we are after here today. I think if there is a problem in Gary, I'm not sure that you are advocating the Federal Government to check in and tell them what to do here but that's what we have to go through here.

Thank you.

Mr. FAUNTROY. Mr. Chairman?

Mr. ADAMS. I would defer my questions. I just wanted to state that I appreciate very much your being here today and in going through your statement, I apologize for being gone. I had to handle another bill on another committee which is now done. I gather you basically support the position that was testified to by the Coalition for Self-Determination.

Is that correct?

Mr. LUCY. Yes; that is correct.

Mr. ADAMS. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you.

Mr. Landgrebe?

Mr. LANDGREBE. Well, Mr. Chairman, I don't remember in my lifetime when I had the opportunity to face such an array of Democrats, elected party leaders and here I am with only my Republican attorney sitting beside me but I will switch here and I will say that this is certainly a very scholarly prepared statement and in quite some detail but we will get along with a couple of questions.

What percentage of the registered voters are—how does the registration show in the District? Was my estimate right? Or is it more than 7 to 1?

Mr. LUCY. I would say it's approximately that.

Mr. LANDGREBE. 7 to 1.

Again, you expressed quite a bit of concern for the financing in the District, that it should also be authorized to establish income raising methods it determined appropriate and then, again, you indicate that local taxing authorities in the District is one unhampered by any restrictions in the enabling legislation and another page, the District government should have complete authority to establish local budget and go on into the Federal payments and allowing for increases based on rash demand upon the District's revenue, obviously, a percentage situation, and that the Federal payment should be automatic.

Now, what about—what's going to be the benefits of this great elected establishment? Won't there be some efficiency that these great statesmen will bring about that will tend to reduce the cost of the government while still increasing or improving the services to the community?

Why do you talk about more and more and more money when you are telling me in the very same program, let's have home rule, let's really get in step here? What's going to be the benefits of this home rule, if in your own statement, in requesting it you say it's obvious that we're going to have a lot more money?

Mr. LUCY. Well, Mr. Landgrebe, it is obvious we're going to need more money if we run into additional kinds of situations that require more money. We've talked about a rational method being arrived at by which the Federal payment would be then—I tend to think that the District of Columbia is not different from any other cities around the country that the demands for services are increasing, but the needs for services are increasing but the human needs, in the sense of—the physical needs, in the sense of capital improvements.

What we are saying here, is as those needs grow, then obviously, the need for revenue will grow. As we exhaust or find new methods of

raising that revenue from the people themselves, it is still the physical presence of the Federal Government that makes them a partner in terms of receiving services as well as receiving delivery of services and we're saying that that partnership should be a fixed partnership that we all understand.

I doubt we will get to the time when we will need less services than we presently deliver. If that be the case, then obviously, I think the elected leadership of the city as well as the enlightened leadership of the Federal establishment will deal with that problem at that time. I just don't envision nor do I think you envision in your particular district a lessening in terms of needs of service, be they environmental or what have you and our presentation as well as everyone else that has spoke to this issue is dealing with an uncertainty and I think that uncertainty involves a dollars amount of expenditure.

Mr. KENNEDY. Mr. Landgrebe, may I further respond?

I concur with the response of Chairman Lucy to your question and I should like to add one other item, that with the Federal establishment possessing or owning more than 50 percent of the taxable land in the District of Columbia, the important tax that is available to other communities is denied us and the Federal payment is justified based on that factor alone with the kinds of services Chairman Lucy spoke to.

Mr. LUCY. I think there is another aspect to this thing also and I think that so long as we are dealing particularly with taxes in the areas of property taxes and retail sales taxes, obviously that's tied into one's ability to pay those taxes and with the Federal establishment not only being the major landowner, they also happen to be the major employer, or one of the major employers. And obviously, unless they're going to take on the attitude of paying greater wages for the employees who reside in the District of Columbia, which would enable them then to pay a higher tax rate, or higher sales tax here, we are faced with sort of an ever-ending circle and what we are saying is that the Federal Government simply by its presence has an obligation. I believe this is the same discussion or the same general trend of thought that the Federal Government uses with reference to the United Nations—when it occupies properties on our shores, it has an obligation to pay for its presence.

Mr. LANDGREBE. Now, Mr. Lucy, as President of the majority party, and there's hardly any doubt that that situation will remain, in a government that you propose, you would be a very powerful figure in this community.

Isn't this true? Wouldn't you as chairman of the party who no doubt would control the various offices? Out in Indiana, the party in power, the county chairman, the city chairman, or in Chicago or anyplace else, we understand this, you really would have a great deal of influence in the community.

Now, isn't this true?

Mr. LUCY. Well, let me say, I am not aware of the nature of the politics in Indiana. I have heard some comments about the direction that it takes. I would hope that in the District of Columbia, one would not deal in terms of power but one would deal out of concern for the well-being of the city itself. I would certainly hope that we don't

go to the system that does do this, at least in some parts of Indiana that I'm aware of but that in terms of the majority party, it would be taking action based upon the needs of the total city. I hope also that the argument, Mr. Landgrebe, that government should only exist for the minority party would not be the direction that you are taking.

Mr. LANDGREBE. What I was trying to get at is, how—assuming you're the city chairman now—you are undoubtedly a young, aggressive young man—you would no doubt be the chairman if there was a group of elected officials in the town belonging to your party, what would you suggest that they do to improve services in the community in relationship to the services that are now being performed in this city by appointed city councilmen, a number of whom are in your party?

Mr. LUCY. We are concerned—well, there's actually three parties in the District of Columbia. There's a Statehood Party, which is seeking a little bit stronger form of government than we're representing to you at the present time. But let me say this, and I'm sure you're aware of the fact that the needs of the city really are not determined by its political allegiances and I am complimented by the fact of your saying that I am a young, energetic fellow and I want to tell you there's some real discussion taking place now about the chairmanship of the party, but in any event, what we would be concerned with is that first of all, the District would be moving into a new area, a separation from either the paternal relationship that existed for so long where we are hampered from delivering the basic kinds of services that are necessary. You see, right now, we can make the Board of Education budget but it is the wisdom of Congress that says whether or not that budget gets implemented.

We could talk about public maintenance or sanitary engineering but we really cannot take any kind of positive action until you in your wisdom give us the ability to do that. What we are saying is that be we Democrats or Republicans, we've got a concern for our city that we hope will not die unlike some of the Republican cities of our country or some of the Democratic cities of our country that you can shove into the river unless somebody becomes concerned about the environment that exists there and the well-being of citizens that reside there.

And I would also point out—and I believe a discussion took place with reference to one of the other witnesses—that unlike some of the other cities in the country where hard-core politics have been played in the past, in New York City, as well as Philadelphia, Detroit, Cincinnati, and some others can be shoved right out of sight unless someone begins to relate to the needs of those communities.

Now, what we are saying is that the same problems that exist in those cities exist in the District of Columbia and maybe by moving to a new form of government, a sense of self-pride, we can overcome those problems with the help and the wisdom of Congress and certainly the financial support of the Federal Government. Otherwise, you know, we are no different, either better or worse, than any other city throughout the country. It has absolutely nothing to do in my opinion with political party affiliation.

Mr. LANDGREBE. Do you think that you would be in a stronger position—I know you're trying to evade the word power, and let's face

it, power is politics and politics is power in the country—do you think that your majority party and the minority party in town, do you think that the party structure would be stronger, would be better financed, would be more able to bring up and get a nominated, really high-quality people and in other words, you would have a better, a more responsible Democratic Party if you had more elected people than you have at this time?

Mr. LUCY. Well, let me—the quality of people is not related to whether there is home rule or not home rule, if you are raising the question as to whether or not they are qualified, competent people in the District of Columbia to administer the government, obviously the answer is yes. That is with or without home rule.

The issue is whether or not we can play that role with any meaningful sense and I would think—and I've got to go back to your home constituency, because I see that it is very related. If one, by law, you are restricted from carrying out those basic functions that you know are necessary and you are constantly having to go to the various committees of Congress to get the wherewithal to do it, the questions of efficiency, the question of implementation of programs, are always very nebulous kinds of things.

And again, what we are saying is that if the offices are there, 10—like we pointed out in the statement—we're talking about the States being for real, I doubt you would find five good men in your community who would want to participate in a charade in terms of pretending to deliver services and pretending to run a government. I do not think that people in the District of Columbia are any different than they are in your district or the district of other Congressmen.

Mr. LANDGREBE. The gentleman, my neighbor from Indiana—I have here the Federal aid to States, and I see in 1972, that the District of Columbia received in grants for the three-quarters of a million people, remember, received $563,693,355.

Good old Hoosier Indiana with nearly 5 million people—I don't have the exact figure—but we have—you worked out there, you pay taxes to the Federal Government, State and so forth; that Indiana received $544 million, substantially less than the District of Columbia was paid. That's just for information.

Now, I have been talking about compensating factors. People who live in the District, they don't have the right to vote for dogcatcher, for magistrate, and many other things. But you still come here. Why did you come here? Why did you give up Mr. Bayh, and Mr. Hartke, and Mr. Madden, and all this great representation that you had to come to Washington, D.C., to live in this city?

There must have been some compensating factor, something brought you here. You knew that you were not going to have the right to vote and participate in some elections. You knew that you could be part of the Democratic Party who could have a hot Presidential election, and the Congressmen and the school board.

Now, what was the compensating factor that brought you here?

Mr. WEGNER. Well, I suppose the easy answer, Mr. Landgrebe, is that Indiana is a good State to be from, but obviously, we have more Federal involvement in the District of Columbia than Indiana does. And I think that explains part of it, the Federal payment.

Also, I think perhaps the Indiana Senators and Congressmen could work a little harder to get some Federal money back into Indiana. That's important.

On your last question——

Mr. LANDGREBE. Where is the money coming from? Where is it going to come from? Where is this Federal money going to come from?

Mr. WEGNER. It's going to come from my taxes and yours and everybody else's.

Mr. LANDGREBE. You want to have your taxes raised? We've been running in debt $20–$30 billion a year for years. Where are we going to get more Federal money to send to Indiana? Where are we going to get more Federal money to send to Washington, D.C., if we don't have a general, across-the-board tax surface?

Mr. WEGNER. Well, that raises all sorts of questions about priorities.

Mr. LANDGREBE. All right, you may proceed.

Mr. LUCY. I'm sorry, Mr. Wegner. There are two issues that may be being confused by a Federal argument. I think there's a very definite trend to say there's—there simply needs to be a reordering of priorities, that Indiana's not getting its fair share. I'm sure that it has adequate representation.

Mr. LANDGREBE. Mr. Nixon was working on that. He's reordering priorities.

Mr. LUCY. Mr. Nixon was working on us all. My point is that where a reordering has taken place, then obviously an inequity will result. My simple attitude, I think the attitude of a number of people will be that some of the funds to do what we need done should be taken from the Pentagon, it should be taken from the corporate structure that exists.

Mr. LANDGREBE. In other words, you feel that we could leave our defense posture——

Mr. LUCY. I didn't say that we would or should weaken. I said that——

Mr. FAUNTROY. Will the gentleman yield? I might suggest that you read Senator Proxmire's accounting of the facts that we wasted $35 billion on weapons systems. That was waste. That was cost overrun. And perhaps if we had that $35 billion, we could take care of the $12 billion cost of the Agriculture Department plus the $4 billion cost of HUD, plus the reduced—I've heard $4 billion, they're down to $3 billion now on housing.

We could take care of the budget of the Office of Education just as money saved as a result of inefficiency in the administration.

Mr. LUCY. I think you'll also find a considerable amount of——

Mr. LANDGREBE. Let me respond to my good friend here. I don't want to get into a dogfight here, but even people like Walter Lippmann, and others who are not—I don't think they've been closely identified with my philosophies, are somehow coming around in the Washington Post to the idea that some of these welfare programs, give-away programs, have not done the Government any good, but have really demoralized a lot of people in our country.

Now, it's possible for the organization in the Pentagon to make mistakes, and it's possible to have plain dishonest people there; but

then we must still, in my opinion, we must be sure that we have a strong, responsible military, because we have had people complain, talking before us in these hearings, that people don't have freedom even as much as they do in Russia.

But I'm telling you, my friend, the people of the District of Columbia do have a lot of freedom that the Russians don't have, and let's be sure that we—even though we have some little differences of opinion, even little discussions on race matters—let's hang together on some things, and that is that we maintain a great free America. Let's do that.

Mr. FAUNTROY. Believe me, I was not suggesting that we should cut the military budget at all. I was just suggesting that we save the money that's been wasted.

Now, if we save the money that's been wasted, we could keep the same level of efficiency on protecting ourselves.

Mr. LUCY. I think one important factor, Mr. Landgrebe, if the District of Columbia were a foreign country, we would receive more foreign aid than we are receiving as a Federal payment.

Mr. LANDGREBE. Mr. Chairman, may I make a humble request here? The next time the Democratic Party caucuses in the District of Columbia, will you invite me over so we can continue our discussions?

Mr. FAUNTROY. Yes. That's a very good suggestion. I hope that will be next year.

Mr. LANDGREBE. Thank you very kindly.

Mr. FAUNTROY. Mr. Chairman, I yield the chair to you.

Mr. ADAMS. Thank you very much, Mr. Fauntroy. I appreciate very much your presiding.

The committee will stand at recess until Monday at 9:30, and we will meet in the caucus room 345. And I'm sorry Mr. Landgrebe left because we will be starting with the Republican committee on Monday at 9:30.

The committee will stand adjourned until 9:30 on Monday.

[Whereupon, at 12:26 p.m., the hearing in the above-entitled matter was adjourned until Monday, April 16, 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

MONDAY, APRIL 16, 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 9:40 a.m., in room 345, Cannon House Office Building, Hon. Brock Adams presiding.

Present: Representative Adams, 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 be in order.

This is a continuation of the hearings on the reorganization of the government of the District of Columbia; and our first witnesses this morning are Mr. Edmond E. Pendleton, Jr., chairman of the Republican Central Committee, and Mr. Melvin Burton, cochairman of the Self-Government Committee of the Republican Central Committee.

Gentlemen, welcome. We are very pleased to have you with us this morning. As I have indicated to the other witnesses, we would be most pleased to either receive your statement in written form and have you summarize, or you can read it, whichever is your pleasure.

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

It is my pleasure to be here with you this morning to speak very briefly, and then to turn the matter over to Mr. Melvin Burton, attorney, on my right, who is cochairman of our Self-Government Committee; Mr. Rick Clark, who is also cochairman.

Mr. ADAMS. I'm sorry. Could I have that last name again?

Mr. PENDLETON. Richard Clark.

Mr. ADAMS. All right, Mr. Clark.

[The prepared statements of Mr. Edmond Pendleton, and Mr. Melvin Burton follows:]

PREPARED STATEMENT OF EDMUND PENDLETON, JR., CHAIRMAN, D.C. REPUBLICAN COMMITTEE

Mr. Chairman, Members of the Committee: The D.C. Republican Committee appreciates the opportunity to appear before you and present its testimony on the subject of self-government for the District of Columbia. It is my pleasure this morning to introdue to you the Chairman of our Self-Government Committee, who will present in detail our comments in regard to the subject and many of the points which your staff has suggested we answer.

For my part, may I urge this committee to take the opportunity presented by these hearings in this investigation to explore fully all the various avenues open to the granting of an increased self-government to the Washington area. The Republican Party of the District of Columbia and the National Republican Party traditionally have favored increased self-government for the District of Columbia. Perhaps the next step at this time would be greater representation in Congress including a voting Congressman. Certainly the District of Columbia is entitled to this. On the other hand, if the concept of some type of statehood for the District of Columbia were settled upon as the proper approach, then greater congressional representation would follow as a matter of course.

For my part, personally I do not think that the idea of some type of statehood should be dismissed out of hand. For example, the Congress could create a metropolitan state government for the greater Washington area, composed of the District of Columbia and the surrounding counties. Maryland and Virginia would not in fact be seceding these counties to any new governmental entity, but each suburb would become, by choice, a zone in this new metropolitan area government and be entitled to send zone representatives to a metropolitan state government council. Each zone, of course, would have its own elected government for local affairs. Its representatives to the central government would exercise increasing statehood functions, which although limited to begin, would be expanded as more suburbs join the frame work. Gradually the powers of this new metropolitan state government would be expanded into those analogous to those enjoyed by other state governments.

This concept would not depend upon the seceding of sovereiguty of territory by Maryland or Virginia, but of course it would require cooperation of those state governments. Whether full statehood would be granted this greater Washington area would not need to be decided initially. Residual powers, necessary to the Federal interest, would be retained by the Federal government.

There are before this committee bills proposing complete statehood, retrocession of the non "Federal" areas of the District, Maryland, Virginia, enlarged Mayor-City Council government, etc. I presume there will be more approaches developed by this committee. We urge careful study by the committee in recommending a desirable next step. The Republican Party is proud of the part which it has played in obtaining greater self-government for the District of Columbia, and points in particular to the non-voting delegate bill proposed by President Nixon, which gave us our first Congressional representative in many years.

It is my pleasure this morning, Mr. Chairman, to introduce to you Mr. Melvin Burton, Chairman of our Committee on Self-Government, who will present the testimony of the D.C. Republican Committee.

STATEMENT OF EDMOND E. PENDLETON, JR., CHAIRMAN, REPUBLICAN CENTRAL COMMITTEE, ACCOMPANIED BY MELVIN BURTON, COCHAIRMAN, SELF-GOVERNMENT COMMITTEE, REPUBLICAN CENTRAL COMMITTEE; AND RICHARD CLARK, COCHAIRMAN, SELF-GOVERNMENT COMMITTEE, REPUBLICAN CENTRAL COMMITTEE

Mr. PENDLETON. The District of Columbia Republican Committee appreciates the opportunity to appear before you and to present its testimony on the subject of self-government for the District of Columbia.

For my part, may I urge this committee to take the opportunity presented by these hearings to explore fully all the various avenues open to the granting of increased self-government to the Washington area.

The Republican Party of the District of Columbia and the National Republican Party traditionally favored increased self-government for the District of Columbia. Perhaps the next step at this time would be

greater representation in Congress, including a voting Congressman. Certainly the District of Columbia is entitled to this.

On the other hand, if the concept of some type of statehood for the District of Columbia were settled upon as the proper approach, then greater congressional representation would follow as a matter of course.

Personally, I do not think that the idea of some type of statehood should be dismissed out of hand. For example, the Congress could create a metropolitan state government for the Greater Washington area, composed of the District of Columbia and the surrounding counties. Maryland and Virginia would not in fact be seceding these counties to any new governmental entity, but each suburb would become, by choice, a zone in this new metropolitan government and be entitled to send zone representatives to a metropolitan state government council.

Each zone, of course, would have its own elected government for local affairs. Its representatives to the central government would exercise increased statehood functions, which although limited to begin, would be expanded as more suburbs join the framework. Gradually, the powers of this new metropolitan state government would be expanded into powers analogous to those enjoyed by other state governments.

This concept would not depend upon the seceding of sovereignty of territory by Maryland or Virginia, but of course, it would require their cooperation. But if full statehood would be granted, this Greater Washington area would not need to be decided initially. Residual powers, necessary to the Federal interest, would be retained by the Federal Government.

There are before this committee bills proposing complete statehood, retrocession of the non-Federal areas of the District, Maryland, and Virginia, enlarged Mayor-City Council government, and so forth. I presume there will be more approaches developed of this committee.

We urge careful study by the committee in recommending a desirable next step. The Republican Party is proud of the part which it has played in obtaining greater self-government for the District of Columbia, and points in particular to the nonvoting delegate bill proposed by President Nixon, which gave us our first congressional representative in many years.

It is my pleasure this morning, Mr. Chairman, to introduce to you Mr. Melvin Burton, cochairman of our Self-Government Committee, who will present our testimony.

Mr. ADAMS. Mr. Burton.

Mr. BURTON. Thank you.

Mr. Chairman, I am Melvin M. Burton, Jr. Present with me is the other cochairman of the Self-Determination Committee for the District of Columbia Republican Party. We appreciate the opportunity to appear and speak before you today, and reveal to you our sentiments with reference to the issue of local self-government for the District of Columbia.

Mr. Chairman, the District of Columbia Republican Party supports a system of self-government for the District of Columbia which will take into account the interest of all the citizens thereof, as well as the interest of the Federal Government.

Further, the committee is in favor of full vocal representation in Congress.

Now, historically, there is no reason why the District of Columbia should not have some form of self-government. If you would allow me first of all to refer to the act of Congress dated February 27, 1801, wherein a form of self-government was created. At that time we had a Mayor who was appointed by the President. We also had at that time a City Council that was elected by the people. Subsequently, February 2, 1871, the Congress enchartered in the District of Columbia, brought about a territorial form of government; and we had a Governor and several members of the various Boards, like the Board of Public Works, the Board of Health, et cetera. We also had at that time a legislative assembly. We had a Council consisting of 11 individuals, and an Assembly consisting of approximately 22 persons.

It was during this time, 1875, when we had our first delegate to Congress from the District of Columbia.

Mr. Chairman, it was not until 1878 when the District of Columbia became the so-called last colony. After some three quarters of a century of representation and self-government by the citizens of the District of Columbia, this was taken away from us.

The question that arises this morning is how best can we now achieve self-government, taking into consideration the guidelines adopted by you for guiding the discussions herein.

With regard to the governmental form, we feel that the Mayor-Council governmental form is the one, or the form, which we favor. We feel that the present City Council, as it is set up—that is, eleven individuals—with some modification as to the manner in which they are selected or elected, would bring about a very broad citizenry representation for the District of Columbia.

Therefore, we suggest that in lieu of the persent appointed City Councilmen, that the District of Columbia be carved into four subdivisions, which subdivisions would not necessarily correspond to the present geographical divisions of the city, but four different divisions.

We propose that the four subdivisions could be and should be divided proportionally by population. From the four subdivisions, at least two Councilmen should be elected to the central Council. The Chairman of the Council should be elected from among its own members, with each Councilman having an equal vote.

Mr. Chairman, this system that I have just proposed would provide representation for every 100,000 persons within the District of Columbia. And then if you consider the adult population, you are talking about an adult population of 70,000 persons. Thus, in this manner every citizen of the District of Columbia would be assured of having an ear to which he may turn in order to make his requests or wants known.

We feel that through some manner, minority representation on such Councils should be guaranteed, so that there would be a proper or some ratio between the number of Democrats elected, as compared to the number of Republicans.

We deem it indispensable that the Mayor-Council relationship should be that wherein the Council may, by exercise of a two-thirds vote, veto acts of the Mayor.

With regard to the executive function, Mr. Chairman, we believe that the Mayor should be elected in a partisan election. There is no

question but the present political parties in the District of Columbia can provide the machinery by which a candidate aspiring to office can best bring his or their views to the electorate.

We feel that the Mayor's term should be at least a 4-year term, and we would suggest that the election of the Mayor coincide and follow the same date as the election of the legislature. Otherwise, of course, it would result in having one or more lame duck administrations.

We propose that the powers of the Mayor be broad enough to manage the day to day operations of the city government, much along the lines as presently exists.

We propose that the Mayor should be allowed to establish a liaison committee between all bodies of Federal Government. To this extent, if done, we feel that the Federal interest could be properly protected.

The Mayor should have the power to appoint all local department heads, including police and fire chiefs, subject to confirmation by the Council.

We feel that the Mayor's powers should be just as broad as those of any city Mayor, and broader in most instances than those of a county or a city manager.

With regard to the judicial function, the judges of the Court of Appeals and the Superior Court of the District of Columbia should be appointed by the Mayor, subject to confirmation by the Council. The Mayor's nomination process should be limited to that list of nominees recommended by a Judicial Selection Committee, which committee would consist of lawyers, citizens from the community, representatives from the White House and Congress.

All nominees for judgeship, as well as the members of the Judicial Selection Committee, must be—and I underline that—must be residents of the District of Columbia.

It is obligatory, Mr. Chairman, that any list of nominees given to the Mayor for selection must be acted upon by the Mayor.

I would call your attention to a bill that was offered by Senator Mathias, Senate bill 1626; and Senator Mathias stated that selection of the judges should be done by a city council. We have no real objection to that particular proposal; however, we feel that a Judicial Selection Committee would be in the best interest of the citizens of the District of Columbia.

With regard to the legislative function, we propose that the City Council be granted exclusive legislative powers over all matters local in nature, wherein the dominant theme is that of a local character rather than that vested with a Federal and National interest.

Congress, of course, could then retain its lgeislative authority over the District of Columbia to the same extent that it does for cities where Federal operations and functions are located.

Examples of local, as opposed to the Federal interest—fiscal matters of the District of Columbia, zoning, health, et cetera. Examples of the Federal interest—Federal buildings and property, the diplomatic corps, national tourist attractions.

And fiscal affairs, all fiscal affairs, should be solely determined by the local government, whether it be the Council or an assembly. The Federal payment contribution should be flexible enough to account for the rising costs of providing additional services to the community.

The formula we propose should be based upon at least three major factors. Those factors being the amount of revenue raised by the District of Columbia itself; srevices rendered to supplement Federal services and to aid in the protection of the Federal interest; and the loss of revenues from Federal lands, Federal institutions and buildings, including embassies chanceries.

We see no reason why the District of Columbia should not be able to issue taxable bonds with a Federal subsidy. We feel in this way, then of course, the big question, or the hard question, how much money should Congress appropriate to the District of Columbia, could by and large be resolved.

The Federal interest, Mr. Chairman, we deem to be that interest which requires preservation of the District of Columbia as the Nation's Capital. Because the Federal Government is centered in this city, it is necessary that the Federal Government be able to efficiently operate and carry out its mandates.

It is axiomatic that Federal property such as parks, buildings, and vehicles are of paramount Federal interest. Congress is best able to protect this interest, which in no way should or would conflict with those of the citizens of the District of Columbia.

In fact, the establishment of two forms of governmental control, Federal and local, in the District of Columbia is unavoidable and, indeed. is to be welcome.

Now, you have heard alluded to the metropolitan state government for the greater Washington area. This form of government based upon the English system is being given more consideration by our committee. After careful study, if you desire, we shall be happy to present to you our thoughts on this concept of government.

Mr. Chairman, thank you for the opportunity to share these thoughts with you, and we will be pleased to answer any questions that you may have.

Mr. ADAMS. Thank you, Mr. Burton.

The chairman would first like to state that I think your statement is excellent, because you have gone through the points we have requested; and I am particularly interested in your comment as to how you have broken the functions apart. I think that is helpful.

And I hope that you will send copies of your statement to all members of this Full District of Columbia Committee, so that they will have the benefit of what you have stated to us this morning for those that were not here.

I just want to make one comment, then I'm going to turn the Chair over to Mr. Fraser; and I will be back in a moment because I have to be before another committee.

But with regard to the granting of full voting representation in the House and the Senate, the reason that this committee has not been discussing that is that the jurisdiction for that idea would be probably before the Judiciary Committee. And as you know, Mr. Fauntroy and others have presented that matter.

Now, this might be different if we were considering retrocession for that type of purpose, as was mentioned in the first part of your testimony where you might have retrocession for, say, the purpose of

Federal elections; so that you would vote in Maryland or in Virginia for that purpose.

But that concept has been one that we just—what I'm trying to say is the committee is not trying to say that that is right or wrong at this point. We are trying to do the thing over which we have direct and primary jurisdiction.

Finally, with regard to your metropolitan concept, I know Mr. Fraser and others—I am, too, very interested in the potential for this; whether this should be done by having the self-government come into existence, and then enter into contracts with the other surrounding counties.

We feel that—or at least, I feel that—again, this is a very good concept; and we would like to see some method for proposing it.

Finally, with regard to statehood we are considering the matters. They have been referred to this committee. If we establish a territorial government, there is again some question as to whether this should be before the Interior Committee if we go into that kind of route.

But we have, since the Speaker has referred the original statehood measures here, we have been discussing them here. But a territorial form is one that we will have to think about a little bit.

Mr. FRASER. I wonder if you would take the Chair for me for a few minutes; and I will be back just as soon as I can. I thank you very much for being with us.

Mr. PENDLETON. If I might respond to one point, we will send copies of this testimony to the Judiciary Committee. Perhaps we can make sure that our thinking on congressional representation will be brought before them.

It is our thought to present everything on the subject of self-government. And as far as how the Congress considers it, we will go to whatever committee will listen to us.

Mr. FRASER [presiding]. I assume that the three of you are available to respond as a panel to any questions.

Mr. PENDLETON. Yes. That is correct.

Mr. FRASER. First, I wanted to inquire about the idea, which I don't think was in your written statement, about the need to protect minority representation on the City Council. I wonder if that might be elaborated on.

Mr. BURTON. Yes. If you take into account, Mr. Chairman, the prevailing statistical registration between the two parties—the two major parties, that is—in the District of Columbia, the Democratic and the Republican Party, of course there is no question but that the city is overwhelmingly democratically inclined.

Mr. FRASER. Could I——

Mr. BURTON. Yes.

Mr. FRASER. I want to pursue this at some length, and Mr. Fauntroy has a bill before another subcommittee. He's going to have to leave in a minute.

Could I sort of pull my question back for the moment and yield to Mr. Fauntroy, so that he can get a question in there before he has to leave; and then I'll come right back to you.

Mr. BURTON. Very well.

Mr. FAUNTROY. Thank you, Mr. Chairman.

As you indicated, I have a bill before our Subcommittee on Labor, Social Services, and the Diplomatic Community for rent control; and I must testify at 10. I will be slightly late.

But I did want to pursue two questions, one of which has been asked by our chairman; and I am sure you will lay that on the record. My other question runs to Mr. Pendleton.

You have suggested what seems to me to be the only viable form of State government that could be applicable to us; the only form viable for the reason that we could not raise, from residential taxes and business taxes within the District of Columbia, enough to deliver the services both required of the residents and the Federal Government, without help.

And my view has always been that if you could move the tax base out into the surrounding suburban community, which is a functional part of the Federal industry here, which is our main tax base, we would be able to speak in some rather specific terms about statehood.

But I am afraid I don't quite understand two things in your proposal. One, I take it your judgment is that an expansion of the tax base into the suburban community would provide us sufficient revenues to provide both our local and Federal services in the District of Columbia, without having to request of the Federal Government a unique Federal payment, unique for a State.

Mr. PENDLETON. I'm not sure whether it would be unique, but I think until it were established that the tax base was adequate to provide coverage, both for the local and the national services, I would not want to abandon some sort of Federal payment.

I think the District of Columbia at the present time is unique, and that it both lacks a taxable base because of the amount of Federal use within the District; and also, second, because all of the bedroom suburbs, really, are outside of the District line.

So whether we could get adequate revenue for the suburbs, or whether they would be willing to stand still for that to raise it enough so that you could abandon the Federal payment, I think only time could tell.

Mr. FAUNTROY. Would the State that you envisage then be unique among the States in the Union, in that it would receive a Federal payment?

Mr. PENDLETON. I think there's no question that it is unique, regardless of that particular feature. I think that we could not create a State here that was exactly like any other State, whichever approach was used.

The fact is the Nation's Capital is going to be unique, and any system that is established is bound to still be different in many, many ways from any other State or territory.

Mr. FAUNTROY. The other thing which I didn't understand was you said the concept of that would depend on the seceding of sovereignty of the residents of the area in Maryland and Virginia.

Mr. PENDLETON. This concept of the metropolitan government would not involve Montgomery County actually becoming a part of the District of Columbia.

Mr. FAUNTROY. Just for a State representative?

Mr. PENDLETON. Just for State functions—the election of State government and the exercise of State functions—but local government such as schools or police, these matters would still be under the control of that Council.

Mr. FAUNTROY. So these would be dual residents? They would be Marylanders who lived in the county-State of the District of Columbia?

Mr. PENDLETON. Right. There would be dual residency and dual voting privileges.

Mr. FAUNTROY. And they would elect State representatives to the Maryland State House and State——

Mr. PENDLETON. No. I think only—oh, State matters.

Mr. FAUNTROY. On State matters. Well, I'll have to study this concept.

Mr. PENDLETON. Well, yes. May I say also that we will, as well—it was only in a thought here to bring before you that there are other possible ways of solving the need for greater self-government in the Washington area than those that have been introduced.

And we feel that this committee is going about it in such a way that it is proper, and let's look at all of the while they're there.

Mr. FAUNTROY. Thank you.

Mr. PENDLETON. Thank you.

Mr. FRASER. Let me come back now, if I may, to this question of minority representation. That is, we're talking now, of course, about essentially a political minority.

Let me preface my question by saying that I am sympathetic with what you are trying to do, so I'm more interested in the mechanics that you might have in mind than in the philosophy of it; because I generally feel that legislative bodies function better if there is a vigorous two-party or multiparty representation on it.

How would you do this? That's what I'm interested in.

Mr. BURTON. I anticipated your question as one dealing with the mechanics of this operation. Now, noticeably lacking from my statement is the statement that we should at least have three Councilmen elected at-large.

Now, I'm not dealing with those three at-large Councilmen, but now I am dealing, in answer to your question, to the four subdivisions. Whether the number of Councilmen from each subdivision be either two or three—but let's assume for the time being it's three—then there is no reason, and there is not a lack of authority for this Congress, to say as to each subdivision there shall be an election wherein two Democratic candidates and one Republican candidate. That would at least allow four, taking into consideration the four subdivisions, four Republican candidates or Councilmen from the subdivisions, one from each division.

And I think the mechanics of it would have to work that way, I'm sure.

Mr. FRASER. I am told in the State of Illinois that—this is all second- or third-hand—that they have legislative districts which elect three. Each party is entitled to nominate two. And in that way, in effect, they guarantee that one or the other of the parties will get at least one.

Mr. BURTON. Yes, yes. And I had that in mind, but not with specific reference to the Illinois situation. But I think that's an excellent way in which it could be accomplished here.

Mr. FRASER. Because I suppose it would be difficult for us to ordain that the Republicans win one in each four districts. It might be they might become majority party in one of the districts.

Are there other mechanical ways, other electoral systems, that you have looked at that might produce some modest protection for political minorities?

Mr. BURTON. I can think of none at this particular time.

Mr. PENDLETON. May I add, Mr. Congressman, it is not just a guarantee—the Republican Party participation in city government. There is another party here, the statehood party, and of course, there may be those candidates that run as independent candidates.

We simply think that it is good in a city such as this to create vigorous opposition and we would want to provide a system that guaranteed that there would be some minority representatives on the Council.

Mr. FRASER. No. I appreciate we conventionally think in terms of two parties, but I recognize that other parties will spring up and sometimes survive for a long time.

I'm interested, though, in the mechanical systems, electoral systems, that would do this, in addition to the one we have already talked about.

Now, there are other systems that you looked at?

Mr. PENDLETON. May I suggest this, that we prepare a memo on this, if this would be helpful to you, and submit it to the committee.

Mr. FRASER. I think it would be.

[The information referred to follows:]

SUPPLEMENTAL STATEMENT TO THE SUB-COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES DISTRICT OF COLUMBIA COMMITTEE

Query: How can minority political representation be assured in city council elections based upon the existing District of Columbia ward structure?

The question of minority political representation on the City Council arose as the result of a suggestion made in testimony before the committee on April 16, 1973, that minority political representation be assured on the City Council.

The proposal was predicated upon a suggestion that the city be divided into four (4) election areas for purposes of City Council representation, and was based upon the theory of proportional representation. It was further suggested that the four (4) subdivisions should be divided, roughly, proportionately in population as well as area.

The present ward structure presents an inequity in population and area. E.g., the total number of registrants in the ward with the least number of registrants is approximately 26,600 (Ward VIII) and the ward with the most registrants with approximately 56,200 registrants (Ward VIII). Assuming that the ward boundaries could be re-drawn to achieve equal population, the election of only two (2) councilmen from each ward does not permit for a system of proportional representation. Either the number of councilmen elected from each ward must be increased, which would make the City Council too large a body to be effective, or an arbitrary rule must be proposed so that one (1) councilman would be a majority party member and one (1) would be a minority party member where that minority party has at least a certain number of registrants within that ward. (This may result in the creation of an unconstitutional scheme which would have the effect of diluting majority vote). Therefore, it is difficult to envisage minority political representation based upon the present ward structure.

An examination of American cities with populations in excess of 250,000, reveals, that City Council and assembly elections are held on a non-partisan basis. This not only guarantees that majority vote shall prevail but by and large makes for good government. Accordingly, it is suggested that unless some division other than the present ward structure is used, it is strongly urged that city councilmen elections be held on a non-partisan basis.

Mr. FRASER. Now, the Europeans have other types of proportional voting, sometimes multimember districts. They'll use a list system in which each party files its list of candidates, and then the party goes down the list in proportion to the votes it got in that district; and then there are different systems for determining priority on a list.

Generally, in the United States we have not embraced the proportionalities concept in our electoral system. It's been a winner take all; and there is some merit to winner take all. There is some merit to proportionality.

And the problem in the District, I gather, is that the Democratic Party is so strong, or apparently is so strong at the moment, that if you had a winner take all, single member district, the Democratic Party might control the Council to such a degree that party opposition would be minimal, which I wouldn't myself judge to be a good thing.

Mr. BURTON. Yes. We would be very happy to develop another memo along this line and present it to you for your consideration.

Mr. FRASER. What about the size of the Council? We were talking about 11 or 13.

Is that the sort of size that you think would be effective?

Mr. BURTON. In answer to your question, I would have to say yes. I feel a Council larger than 11 to 13 members would be almost an unmanageable, unworkable body; and I think it would cause more confusion, or just as much confusion—more confusion to have a large group of that type than to have, say, a Council consisting of 11 to 13 individuals.

Eleven to thirteen individuals seems to be a working group, as opposed to a much larger group. And I think they would operate far more efficiently and much more could be produced.

Mr. FRASER. Let me pose against that idea—and I agree that a smaller body can work more effectively—but the difficulty of giving the voter a sense that he or she is able to have some influence.

Let me rephrase it, if I may. What we are talking about is a conventional Mayor-Council system, which is the system used in most of the large cities of the United States. A question can be raised as to whether most of the larger cities are working very well. And another question can be raised whether that's got anything to do with the particular governmental structure which exists.

Now, do you have any apprehension that going to the conventional system we find in other large cities may not be any more successful than they have been able to be with their problems?

Mr. BURTON. I don't subscribe, Mr. Chairman, to the theory that the governmental form that is presently existent in other cities is inoperative simply because of the largeness of the number of members on their city council, or what have you. I think it depends primarily upon the caliber of individuals; and of course, I think that in the District of Columbia the electorate, of course, would elect to the City

Council individuals who would be particularly concerned with the affairs of the citizens of the District of Columbia.

You have one other factor that I think is most unique in my proposal, and that is that each one of the Councilmen would represent approximately 70,000 individuals. I think that if you take that situation and look at the situation as it exists perhaps in some of the other cities or even State representation systems, where one representative, of course, represents a larger number of persons, sometimes giving an individual the feeling that he has no one he can turn to.

But here, I feel, that the 11 or the 13, of course, would, be truly representative. Not only would they be representative, I think that they would be able to operate very efficiently.

Mr. FRASER. Let me just raise one other concept with you that I have injected and others have in the past. In my own community there has been an idea discussed, but not implemented, which in effect points to the various neighborhood activities, many of them federally sponsored—as, for example, a neighborhood health clinic, which has Federal funding; or neighborhood conservation and rehabilitation programs using Federal funds in a large part; or just neighborhood community improvement associations, the kind that worry about planning and city actions within their area—there is an idea in our city that is being discussed, instead of having lots of ad hoc citizen advisory boards of various kinds, special purpose—you know, maybe for a poverty agency or poverty activity in that area, or a health clinic, or a neighbodhood activity of some kind—that there'd be some value in formalizing a neighborhood or a community structure that you might have a nelected council for a neighborhood.

I don't know the District well enough to talk in terms of neighborhoods, except the one that seems clearest to me is, for example, Anacostia, which has a geographic separateness. In other words, it's an idea that it might be worth having at that level some kind of an election, using formal public election machinery. The council at least would have advisory powers, might have some discretionary money for its own staffing to supplement citywide services in the field of recreation or safety, and which could provide—be a sort of an organized constituency for that area in reacting to citywide policies.

Would such an idea be of any value, or maybe you've given it some thought already?

Mr. BURTON. We did give that some thought, Mr. Chairman, and I think that your suggestion for that idea is well taken.

Now, I believe the problem that gave us the greatest difficulty is whether or not this particular neighborhood group would be simply advisory only in capacity, or would they have—perhaps in your own community what you are doing is you are developing a high degree of self-government within the neighborhood structure.

Would they have the authority—for example, let's say a street needs to be paved within a particular neighborhood—would that neighborhood advisory group then be able to say or call the Highway Department for the District of Columbia simply because they have taken a vote and have gotten a majority to go along with it, and say to that Department come out and pave our streets?

Then, this creates a problem in that each and every neighborhood assembly, of course, would probably want to exercise the same power—not that they should not—but certainly it would cost a great deal more to implement that type system than perhaps your suggestion of a neighborhood assemblage group which would simply be advisory in nature.

And I suggest that that is an excellent idea, to have from the three or four subdivisions the various neighborhood assemblies, wherein they would simply be advisory to their Councilman in nature only.

Mr. PENDLETON. Mr. Chairman, might I add this comment? The District of Columbia—and I suppose in this way it's very similar to many jurisdictions throughout the country—doesn't suffer so much from lack of elections as it does from lack of voter interest. In the last 2 years, we have now the right to vote for President, to vote for a Delegate to the Congress, to vote for a School Board. And as witness our problems for Election Board, they have difficulty maintaining their staff and their activity to keep up with the increased tempo of elections; and yet, in few of those elections do we thave any kind of a turnout that really makes us proud as to the concern of citizens of the District of Columbia.

So I really think that it is not a panacea just to provide more elections, but I do think that we should look very carefully at the important ones, such as City Council, to make sure that they are conducted properly. And then, the major parties work together to achieve a more respectable turnout of the voters to elect those representatives.

Mr. FRASER. In my—I keep referring to my own community because that's where I have most of my own experience. The average voter in, let's say a 4-year cycle, I would guess probably votes for 20 or 25 different offices. This ranges from a city councilman to—we have what is called a board of estimates—school board, city treasurer, city comptroller, the mayor, the county judges, district judges, State legislator, four or five statewide offices, Governor, members of the supreme court, in addition to the Federal.

In the District of Columbia as we are now discussing it, a voter would have a chance, unless we get full congressional representation, to vote for President, nonvoting Delegate, Mayor, and City Councilman.

My own view is that a shorter ballot tends to be better because there is more interest developed when the office is more visible; and this isn't diluted or diffused by a large number of offices.

But if you had a neighborhood council in addition, you would only add one more; and it might be at a small enough unit so that there is a good chance that the people would personally know the representative from their area to that neighborhood council, which might add another element in the system that would help to elevate the interest and involvement in the political system.

Mr. PENDLETON. Yes, Mr. Chairman, that was part of the idea we sketched at the beginning, of a metropolitan area government. In each of the zones within the District of Columbia and in the neighboring counties, you would have elected a council to govern that zone, so this is certainly a concept that I agree with.

Mr. FRASER. Let me just ask one last question on the metropolitan idea, if I may. The argument for metropolitan government, as I have seen it, is that there are certain activities that lend themselves to metropolitanwide control; for example, the mass transit system, we now have an operating agency. Water and sewer conceivably should be another, because obviously, both water and sewer systems shouldn't stop at municipal boundaries. Another would be airports.

There is a bill in, I think, to create an airports authority. I think Congressman Gude has a bill in to give a transit agency the operating authority with respect to area wide planning and operation of airport facilities.

Now, would you go further than that? In other words, in your vision of a metropolitanwide government, would you give it authority beyond the sort of more obvious activities that deserve an areawide treatment?

Mr. PENDLETON. I think initially we would start with those, but then you would build toward the idea of such powers as you have in a State or territorial government, and then you would be expanding into other areas such as the fiscal control of crime.

And I think perhaps now, as you witnessed by the local papers, the issue of crime is one that is no longer controllable within the District or outside of the District. So I think that gradually you would expand beyond those powers, yes.

Mr. FRASER. So that your idea is that there would be a revolutionary growth in authority. And if there was no secession of the adjoining areas, then they would have to—so far as Maryland and Virginia parts were concerned—they would have to get sanction for this from their respective State legislatures.

Mr. PENDLETON. Yes, certainly, the control of them does remain in their State legislature.

Mr. FRASER. The Environmental Protection Agency has come out with a report recommending there be a metropolitan council elected directly by the people, in part in order to provide a policy board to deal with some of the things we have talked about here, particularly, I think, water and sewer because that's one of the major environmental questions they were reviewing.

I don't know if you are familiar with that report, but I am not sure whether it is a politically acceptable concept at this point in time. I don't know if you have had a chance to review that or not.

Mr. BURTON. I have not.

Mr. FRASER. Well, if you do, we would be interested, I think, in any comment you would have to make about it.

Mr. Landgrebe.

Mr. LANDGREBE. Well, this is a very pleasant occasion for me to welcome the chairman of the Republican Central Committee to our hearings.

Mr. PENDLETON. Thank you, sir.

Mr. LANDGREBE. We've had the pleasure of hearing the Democratic Central Committee here last week. We had very interesting discussions about this matter. And I am sorry that visitors kept me away from your earlier testimony.

I will try to catch up here with just a couple of questions. No. 1, you seem quite interested, as most people who have testified, in having an elected Mayor and legislature, or Council. You seem to feel that you can produce candidates for Mayor who could appoint judges, but you don't seem to feel that the people of the District would be qualified to elect their judges.

Now, just how do you really explain this. And being a sort of old Republican myself, don't you think that judges, candidates on ballots, both parties—Democrat and Republican—tend to bring a higher level, a more respectable image to the political parties, to the tickets, and generate more interest in politics?

And very basically, don't you feel that the people of the District, of the community, are qualified to vote and choose and elect their judges?

Mr. BURTON. In our statement we certainly did not intend, nor did we have any intention, to disparage the citizenry of the District of Columbia, and say to them that you cannot elect judges.

I think what we, in fact, were trying to do, since the old axiom is that every lawyer tries to be a judge, is to prevent 7,000—and there are approximately 7,000 lawyers in the District of Columbia—from running for judgeship. And of course, we feel that if, of course, the selection of judges were left to this method, then, of course, there would be terrible confusion at each and every election, simply because you would have 200 to 300 lawyers running for judgeships.

And basically, that is the reason why we feel that the judges should be appointed by the Mayor upon the recommendation of a Judiciary Advisory Committee, who could best screen out those applicants who are most qualified for this task, as opposed to allowing every lawyer in the city who has the hankering to run for judgeships simply to get his name before the public. And this is the reason that we made that suggestion.

Mr. LANDGREBE. I have lived awhile, and I have seen an elective system, and I have seen what has happened to our country under the appointive system.

Back in Indiana 25, 30 years ago, the political parties accepted the responsibility and applied the discipline to provide top quality candidates for judges in the primaries, and I am not sure but what there was a little bit of methods used to discourage some less than highly qualified people from being candidates.

Anyway, I can remember the day when we had some very fine judges through the elective system. We won't debate it. I think that I am crying out for something that has been, perhaps, history. But it grieves me to see people who are active in political parties want to give up any of our responsibilities, because the judicial, School Board, and all these kinds of things tend to be related to our two-party system with independent parties making a play when they think they can win. And I'm not saying we want that either.

Mr. CLARK. Mr. Congressman, may I add something to Mr. Burton's statement?

Mr. LANDGREBE. Yes.

Mr. CLARK. We had seriously considered an alternative plan, in addition to this Judicial Selections Committee. We had considered very strongly the idea, after the appointment of the judge to the Bench,

that in order for him to succeed himself upon the expiration of his term, that we would have an election.

I believe this is a plan that has been adopted in the State of Missouri, where the candidates for judgeship is initially appointed; and after he serves his term, or the expiration of his term, in order to be succeeded he has to run.

This is a plan, although it's not included in this particular report, it is worth consideration.

Mr. LANDGREBE. I understand that you had heard suggestions on Missouri; and as a matter of fact, Indiana has something like that, rather similar. However, that doesn't mandate if we are going to create a new government here, that we have to follow Missouri or anyone else; that we cannot explore the possibilities of coming up with good, responsible government through the elective system.

I still insist that when we had the judicial candidates on our ballots in Indiana, it brought a level of quality and of responsibility to our political parties that I though was real important in the scheme of things.

Everyone who comes in here to propose a plan for home rule or self-determination have on the first line we want self-determination, on the second line we want flexible Federal payments. Usually they want to guarantee that these continue to spiral upward.

If we are going to talk about selfdetermination, home rule, why don't we talk about being truly responsible people and either suggest plans for levying an income tax against those people who work in the Federal Government, a housing tax, hotel room tax, and a visitors' tax, develop some new industries, and so forth for the city?

Why doesn't somebody come in here once and say give us an apportunity to have selfdetermination, and we will show you that we really can run this city without a great, huge guaranteed ever-increasing Federal payment to the city?

Now, isn't there anyone that can conceive of the city having self-rule or home rule and also having self-payments of your costs here?

Mr. BURTON. Mr. Congressman, first of all, of course, I can understand your concern with this. This is a matter of concern to all individuals in the District of Columbia.

We, of course, not to be disrespectful, feel, however, that there is no reason why the Federal Government should not pay to the District of Columbia some funds for the use of lands in the District of Columbia.

Now, of course, the argument to that is that all of it is Federal lands, but certainly, buildings occupy lands on which we could build industries that you are talking about. And we feel that, of course, as a result, the Federal Government should make some contribution.

Now, you did not hear, unfortunately, because you were not here, my testimony that is not included within the statement on fiscal affairs that I submitted to you. I suggested that there is no reason why the District of Columbia, in order to raise these needed revenues that you are now talking about, and in order to become more responsible, be allowed to issue taxable bonds.

And I suggested further that these taxable bonds be in some manner subsidized by the Federal Government.

Now, I think this may be a reasonable alternative to what you are now suggesting. And I think in this way we can produce much of the revenue that is needed to operate the District of Columbia in an efficient manner.

Mr. LANDGREBE. I fail to grasp the method by which you sell bonds, or float bonds, or issue bonds to carry out the function of this city, that will enrich the city. It seems to me that this is a way of going into debt. All bonds, they either have to be repaid, or some of the bonds that are interest free—but it seems to me that this city will have to think about a pay-as-you-go basis some place along the line. I don't see any reason for talking about bond issues to provide for services.

Maybe we're not thinking along the same lines. Maybe we're not even on the same subject.

Mr. BURTON. Well, I think we are. You know, there has been suggested on several occasions a commuters' tax; and of course, consistent with your thought, maybe this is one of the things that certainly should be adopted.

Mr. LANDGREBE. Commuter tax, you say?

Mr. BURTON. Commuter tax, yes. Of course, I can hear the screams and the yells now. One of the other things—maybe what we should do is charge a toll for the 14th Street Bridge. Let's charge a toll, let's say, for the South Capitol Street Bridge. In that way, of course, we can produce the revenue that you are talking about without increasing the tax on properties, that is, residential housing in the District of Columbia, and without increasing the income tax level for the District of Columbia, which is becoming progressively higher each year it seems to me.

Mr. LANDGREBE. Well, the lady from Fairfax County suggested that if tolls were set up, then they would set up toll gates, and they would collect from people coming out into Fairfax County.

And I thought about that over the weekend, and I decided that this sounds like an approach to the Federal payment problem. Why don't we just let you, and Fairfax, and Montgomery Counties collect from each other and pay all your bills; and we would not have this Federal subsidy to pay.

I think there's some merit to the idea.

What would be your—you didn't spell it out here in your statement. Would you propose that retrocession, statehood, national status—who is this Mayor and this City Council?

What other layers of government do you envision in your system of electing people?

Mr. BURTON. Well, in the proposal that I submitted I addressed myself to the Mayor-Council form of government; however, with the suggestion of Congressman Fraser, I think that it would be a good idea to have from each of the four subdivisions a so-called neighborhood assembly, or a representative group in the neighborhoods, that would be advisory in capacity only. And of course, that could be another layer.

Mr. LANDGREBE. But you would like to keep the city as a separate entity, and it would not become part of Maryland, or divided with Virginia and Maryland, you know, for the State responsibilities and

State controls? All the rest of the people in the United States live there——

Mr. BURTON. All of them—what, sir? I didn't hear you. All the other people of the United States, what?

Mr. LANDGREBE. Well, everyone in the United States lives in States where there are townships, cities, county, and State layers of government. Now, you are proposing a single layer of government, really not even being responsible to the Federal Government in certain areas, you see, for taxing and, oh, the land use, and in many areas you suggest—zoning, public utilities, fiscal matters.

In other words, you feel that we can retain the Federal city. We'd move from appointed to elected Council and Mayor.

Mr. BURTON. Yes. I feel, first of all, that you talk about retrocession. I do not believe that there should be retrocession, and the reason that I say that is because I think that retrocession is talked about only when you talk about the area smallness of the District of Columbia. But if you look at the population of the District of Columbia, being some 800,000 persons and larger than 10 or 11 of our States, as such; then it seems to me that within the confines of the District of Columbia proper, there is ample opportunity, as well as sufficient number of persons, to maintain and operate a government efficiently.

Mr. LANDGREBE. Well, Chicago, they've got 5 million people. They've got State, county, local government to protect them; in fact, in Valparaiso, we have a constable at the local level, the city police; we have the sheriff's department; we have the State police; we have the FBI.

Don't you think people of the District should have equal protection? I mean, these different layers of just police power alone intermesh and are not really duplication; but it is just an example of what the people of Indiana have and enjoy, compared to a Federal Government with one layer of government.

And I have supported the local paper here as being very concerned with what would happen with, say 25 elected officials to run the city of 800,000 people and budgets ranging up into the billions of dollars.

Don't you share my fear a little bit that this thing would be such a massive responsibility to the people? Assuming that they would all be nice people, and it would work; but supposing there are some people who get in here that have other than the best interests at heart.

Mr. BURTON. Well, it seems to me under the present system, where you have the City Council for the District of Columbia much smaller in number than what we are talking about—11 to 13—and a present Mayor who is responsible for the same budget, and he seems to be doing a pretty good job as far as managing the budget.

I feel that the number of persons that have been suggested—11 to 13—of course could manage the budget properly. I don't believe simply because you have a larger number of persons who are City Councilmen or representatives, that this, of course, would provide for a more efficiently operated budget.

I think the smaller the number the better controlled and more grasp you have over each dollar that is spent.

Mr. LANDGREBE. Do you think that it is possible for us to separate out the Federal interest and the city interest, and have an elected

government, and have the Federal interest controlled by the Federal, and work something out that would intermesh, that would work?

In other words, you feel this could be done.

Mr. BURTON. I feel that that could be done, and I think there has been such a proposal—I believe House bill—if you indulge me for a moment, please. I believe House bill No. 950 dealt with that concept, except House bill No. 950 talked about creating the Federal enclave, describing the District of Columbia or the Federal Government as being that area surrounded, say, by the river, and it goes north to Florida Avenue; it goes west to the park, and east to 15th Street NW.

But then with the rest of the city, H.R. 950 talks about retrocession, to which, of course, I am opposed. I think that the Federal enclave, to speak in that sense, could be carved out of the District of Columbia, and of course. from the rest of the territory of the District of Columbia, you could then create your four subdivisions that I am talking about, who could then, of course, govern the particular areas that are left.

Mr. LANDGREBE. Just a couple of more questions, please.

Don't you think that we are dealing with something that is going to be awfully unworkable? If we start carving out a Federal enclave, we will have absolute Federal territory; we'll have absolute city territory.

Don't you think that there are interests, there are different things that will make the drawing of the line unworkable or undesirable in the future? After all, there are millions of people—20 million of them. I understand hotels are filled up in this town right now. Summer hasn't yet gotten here.

The Federal Government must have some interest in things that go on north of the border. Wouldn't it seem more sensible to work in the way of dividing people interest, or human concerns, rather than trying to divide up on a geographic basis?

Can we divide up governmental responsibilities, rather than trying to carve out geography?

Mr. BURTON. It may well be, Congressman, that because of the Federal interest. which interest, of course, the Members of Congress guard very jealously, that there is no alternative except the two forms of government that I am talking about; and that is the Federal so-called portion, as well as the local portion.

Frankly, I would like to see one government body, and that one government body would reign supreme over all of the District of Columbia. But I take it from the gist of your question that there is very much concern about what protection will there be for the so-called Federal interest aspect.

I think that the District of Columbia with its one form of government to govern all could certainly consider and give proper respect to the Federal interest as well.

Mr. CLARK. And I might add, Mr. Congressman, that we believe that the Federal interest and local self-government could coexist, notwithstanding that from time to time there may be a conflict in jurisdiction; however, we fully recognize that there are certain areas which are exclusively Federal.

On the other hand, if you will bear with me, there are certain areas of concern which will be purely local. This is what we are primarily concerned with insofar as home rule, self-determination, and whatever we call it.

With respect to any matters of exclusive Federal jurisdiction, of course the Federal Government would maintain its interest and have jurisdiction over that particular matter. With respect to pure matters of domestic and local concern, whether we carve out the District of Columbia in certain geographical boundaries or not, as you mentioned the importance of the human aspect of this; so there would be a possible conflict between the Federal interest and our local or domestic interest. Quite naturally, we would yield ground to the Federal. On the other hand, we would hope that the Federal would give us some respect in handling our local matters.

Mr. LANDGREBE. One final question. You indicate a determination that zoning should be a local matter.

Now, just supposing in the scheme of things that the Federal Government decides that it is in the best interest of the United States of America to go into the city area, assuming that we will ever achieve this geographic division. We must go into the city to build a facility, and we get hung up. The city says no, and the Federal says yes, this is an absolute necessity that we do this.

Now, how would you envision us going about reconciling this difference? How could this reconciliation come about?

Mr. BURTON. Preservation, of course, of the District of Columbia—as I stated in my statement—as the Nation's Capital is of paramount Federal interest; and to allude to the statement made by Mr. Clark, it would seem that the District of Columbia government must then surrender its authority to that of the Federal Government in the interest of protection of that which is in the Federal interest.

Mr. LANDGREBE. Do you think that would come about rather automatically?

Mr. BURTON. I think that it would come about without a lot of hassle. Let's put it that way.

Mr. LANDGREBE. I think I have no more questions, Mr. Chairman.

Mr. PENDLETON. Mr. Congressman, if I might add one further point referring to questions that you raised about the fiscal issue.

I think regardless of the form of government that is proposed for the District of Columbia—whether it is the form we have today, or any form that is proposed for the future—the tax base of the District of Columbia is not sufficient to support the operations of the local and Federal costs that occur here.

The large amount of land used for Federal costs, and the absence of many home dwellers who live in the suburbs, make it impossible that this government can operate without Federal payment.

So whether it is this form, or any form of government proposed, I think our feelings would be very strongly that the Federal interest must continue to the point of including some sort of unique, if you will call it, Federal payment to the District of Columbia budget.

Mr. LANDGREBE. Thank you.

Mr. FRASER. Does Committee Counsel have any questions?

Mr. DEPUY. Yes, Mr. Chairman, two very brief questions.

Mr. Burton, on page 2 of your testimony you recommend there be a liaison committee between the local government and the Federal agencies.

Have you spelled out what powers or functions these liaison committees, or this liaison committee, ought to have—this advisory body?

What kind of body do you see here?

Mr. BURTON. I see a group or a body that would be advisory in nature. The main reason for the creation of such a committee or liaison position is so that within any particular area, for example, like Congressman Landgrebe just talked about, there would be an individual who, of course, would be able to articulate and know the feelings of the District government, and yet at the same time, of course, would try to get some understanding of the interest of the Federal Government, so that he can then go back to the Mayor-Council and make both sides known.

And in that way I think there could be a resolution of any dispute which may arise, such as the one suggested.

Mr. DEPUY. Thank you.

One other question. On the next page you say the Mayor should have the power to appoint the local department heads, including police and fire, subject to confirmation of the Council.

Is it your position that the police and fire chiefs should be subject to confirmation, or all department heads? And if you make a distinction, why would you make that distinction, if there are only those two departments?

Mr. BURTON. I feel that all of them should be, and I suppose I put that in simply because there is a great deal of thought that is given to the concept of the appointment of police and fire chief. There seems to be greater citizenry participation, or at least concern, with those two as opposed, say, to the Department of Human Resources, or one of the other departments. And I simply wanted to spell it out.

Mr. DEPUY. But your recommendation, then, would be similar to that of the Federal Cabinet, which would be the entire Cabinet subject to confirmation?

Mr. BURTON. Yes. That is correct.

Mr. DEPUY. Thank you.

Mr. FRASER. Mr. Hogan, do you have any questions?

Mr. HOGAN. Mr. Chairman, could I make a short statement and then a few questions?

Congressman Nelsen was unable to be here this morning, but I am sure if he were here he would compliment you, Mr. Fraser, for getting into some of the details that you have in your questioning.

I think that he has concern, as you have, that some of the details of how the local government would operate, in terms of home rule, apparent concern; and that if there were to be home rule, that it is extremely important that some of these problems be resolved at this time; because if it isn't, then you perhaps could well have considerable conflict with the result in problems which would be avoided if some of these things were gone into details, I think, as you were taking them up.

Which gets me into the question of whether—I know there have been some testimony earlier that indicated some of the witnesses did

not favor the concept of a Charter Commission, which had been recommended at least on one prior occasion, and I think was raised some years ago.

Do you have any position on the Charter Commission concept?

Mr. BURTON. Since time immemorial, Mr. Hogan, there have been committees; there have been commissions; there have been bills—and I am now referring to H.R. 2574, which is the one you alluded to, which was introduced by Congressman Broyhill, who wanted to set up a commission or a Charter Commission to study this concept.

I think the time for studying is over. I think that if we are ever going to get self-determination or some form of home rule, let's have it now, and let us work out the problems.

We—that is, the citizens of the District of Columbia—are aware, and shall always be aware, that the paramount interest in this city would be the protection of the Federal interest, and I see no conflict that could arise as a result of giving us self-government, self-determination now, and let's work together and work out the problems.

Mr. HOGAN. The Nelsen Commission had considerable difficulty in arriving at what—how you would divide, let's say, the local interest and the national interest, the Federal interest, as it related to planning. They found this to be a nettlesome problem; and quite frankly, their recommendation as it related to physical planning in general in the District of Columbia was in general terms because of this.

In response to questions from various Congressmen here to witnesses as they have appeared before the committee, the subcommittee, there has been this difficulty, as it were, in resolving what would be Federal, what would be local. There is some concern that in one sense it could be defined as geographic, presumably, as Mr. Dellums said, in the Federal enclave area; presumably the Federal interest is virtually total, I gather, according to his bill.

On the other hand, the Congressmen, several of them, and witnesses indicate that in the rest of the community there would be a conflict as it related to the Federal interest. They might be both functioning in the community, as far as transportation and planning, there could be both the Federal and the local interest.

But it seems to me that, assuming that you have home rule, you want to, it would seem to me, not have any conflicts between the Congress, or the least number of conflicts between the Congress, the President, and the local government. That should be maximized or optimized, as it were.

Because if we do, the District would have relatively slight representation in the Congress; and what Congress has done, they can put presumably under.

And that was why I was compilmenting Mr. Fraser for getting into these problems in some detail, so that some of these things could be resolved and should be resolved.

Do you not agree?

Mr. BURTON. I agree with that.

Mr. HOGAN. Thank you, Mr. Fraser.

Mr. FRASER. Thank you very much.

I do want to say that your testimony this morning has been very helpful and constructive. And we will welcome an additional memo from you on some of the points we discussed earlier.

Mr. BURTON. Very well.

Thank you.

Mr. PENDLETON. Thank you very much, Mr. Chairman, and members of the committee.

Mr. FRASER. Our next witnesses are Mr. Richard Clark, chairman of the board of Self-Determination for D.C.; and Elizabeth Karlow, member of the national board of directors, League of Women Voters.

[The prepared statements of Mr. Richard Clark and Ms. Elizabeth R. Karlow follow:]

TESTIMONY ON DISTRICT OF COLUMBIA HOME RULE BY RICHARD CLARK, SPECIAL ASSISTANT TO THE PRESIDENT, COMMON CAUSE

Mr. Chairman and members of the Committee, I am submitting this testimony on behalf of Common Cause, a national citizen's organization. Our statement today is nearly identical to the views which we presented before the House District Committee during the 92nd Congress. Common Cause membership of over 200,000 includes individuals from every state and every Congressional district in the Union. Our concern for home rule for the District of Columbia evolves from our dedication to the achievement of representative government for all Americans including the thousands of Common Cause members who reside in the District.

Common Cause strongly supports the concept of home rule for the District of Columbia. We define that concept to minimally include:

(a) Bipartisan election of local officials

(b) Full legislative authority over local affairs

(c) Budgetary authority including the right to determine revenues and allocate the same according to local priorities

(d) An automatic federal payment

Although we are not testifying in support of any specific bill, we generally support the statement previously submitted to your Subcommittee by the Metropolitan Steering Committee for Self-Determination. You will remember that that statement was a more precise commentary on the nature of the proposed local government.

Common Cause has actively participated in "Self-Determination for D.C.", a Coalition of 51 national and 60 local organizations. The Coalition's efforts have developed a broad-based consensus in support of the four-point definition of home rule outlined above. This consensus was obtained through discussions with bipartisan representatives of both the local and national organizations and private citizens associated with the National Coalition.

Conclusive local citizen support for home rule has been expressed on numerous occasions. This contention is supported by the overwhelmingly favorable returns of home rule referendums conducted by the Democratic and Republican Parties during the past decade. In 1960, 87.4 percent of those voting on the question favored home rule; in 1964, 85 percent voted in favor, and in 1968, 97.7 percent (Democrats only), voted in favor.

HISTORICAL PERSPECTIVE

There is a long tradition of advocacy and legal precedent for home rule as well as other rights of citizenship for District residents. In Federalist Paper No. 43, James Madison referred to the necessity of providing for the "rights and consent of the citizens" who were to inhabit the Federal District. In the same passage, he asserted that the inhabitants of the District "will have had their voice in the election of the government which exercises authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed to them."

The relocation of the Federal Government to Washington in 1800 marked the beginning of Congressional debates concerning the nature of the District Government. These debates have extended to this very day. It is highly significant, and a strong affirmation of support, that the Senate has passed home rule legislation on seven occasions during the last twelve years.

In addition, all Presidents since 1955 (and a number of Presidents prior to 1955) have made public pronouncements in support of District self government. Simi-

larly, bipartisan support has been dramatized by the inclusion of home rule in Democratic and Republican Party platforms since 1948.

During the past decade, Congress gave one of its most concerted responses to the continuing concern for more responsible government in the District. The enactment of the 23rd Amendment in 1961 which gave District residents electoral college representation, the Reorganization Plan of 1967, which provided for the present (Mayor) Commissioner-City Council form of government, the provision for an elected school board in 1968, and the non-voting delegate bill in 1970, were all in recognition of the second class status of the District, and in response to the cry for "homerule". An irrefutable recognition of the need for reform was implicit in each action.

Historical occurrence aside, Common Cause believes that good government, especially in a democracy, must not only be *constitutional*, but it must also be *accountable, accessible* and *responsive* to the people it is intended to serve. Likewise, it should be *efficient*. We believe that the granting of home rule is essential to the achievement of good government as measured by the above criteria. In presenting the case for home rule, documentation of the absence of good government and the need for reform is in order.

LEGAL ARGUMENTS

Article I, Section 8 of the Constitution reserves to the Congress the power of "exclusive legislation in all matters whatsoever" affecting the District of Columbia. Such provision was made in order to safeguard the federal interest in the Capital City. Accordingly, we do not question the exclusive jurisdiction of Congress over the District.

However, the argument that Article I prohibits home rule in an absolute sense is refuted by both judicial decision and historical precedent. More specifically, there is nothing in the Constitution which prohibits the Congress from delegating its authority in a manner similar to that delegation by state legislatures to its local units of government. In Thompson vs. U.S. 346 U.S. 100 1953, the Supreme Court held that the Congress could legally delegate its full legislative power to the District of Columbia ". . . subject . . . to the power of Congress at any time to revise, alter, or revoke the authority granted."

The first precedent for local self government under authority delegated by the Congress occurred in 1802 with the granting of the first District of Columbia City Charter. Home rule, including elected officials and legislative and budgetary authority, existed until 1874.[1] The loss of home rule in 1874 followed Vice President of the Board of Public Works and later Governor, "Boss" Shepherd.

The withholding of any systematic conveyance of home rule since 1874, like the withdrawal of home rule at that time, has been based on political circumstance rather than constitutional proscription.

GOOD GOVERNMENT: ACCOUNTABILITY, RESPONSIVENESS, ACCESSIBILITY, AND EFFICIENCY

In addition to constitutionality, it is important that government be accountable to (and representative of) the people it is intended to serve. In the sense that we use the term, accountability relates to the ability of a constituent body to hold public officials responsible for the determination of legislative priorities and the making of policy.

As both a legal and practical matter, major and minor decisions affecting the daily lives of District residents are dictated by nationally elected officials who admit to giving little or no priority to District affairs. This lack of responsibility is substantiated by the appalling attendance record of District Committee members. It is further substantiated by the frequent, and in some cases virtually permanent, grant of proxy voting authority by some Members of the Committee.

It is a typical irony that many members of the Senate and House Committees designated to oversee District affairs represent constituencies geographically situated hundreds or thousands of miles away. In addition, these constituent groups are often in decided contrast to the socio-economic character of the District. It is also significant to note the inordinate degree of representation by rural

[1] Self-government had been seriously impaired in 1871, by the institution of a territorial-like government. That government had a bicameral legislature with one House elected and the other appointed. The Governor was also appointed.

area Congressmen on District Committees in view of the District's highly impacted urban character.

Similarly, Congressmen have been forced to devote unwarranted time and energy to District matters of the most insignificant nature and having nothing to do with their own political survival or any national interest. Little perspicacity is needed to understand the potential problems of morale and incentive which are imposed on even the best intentioned Congressman who is conscripted to serve as advocate-by-default for District interests. In view of these and other circumstances, logic, rationality, and morality would certainly dictate that local matters be delegated to local officials.

Many of the criteria of accountability of government also apply to the responsiveness and accessibility of government. Responsiveness refers to the ability of government to address itself to the social, economic, and other needs of the people it serves. Accessibility, on the other hand, refers to the ability and facility for citizen involvement and input in the decision-making processes of their government.

The relative lack of exposure, sensitivity, and awareness to urban problems of many District Committee Members, the high level of Committee and Subcommittee absenteeism, the treatment of District Committee assignments as "extra duty", the absence of electoral accountability to District residents, the diffusion of power among the District Committees and the Congress at large—all serve to impede the responsiveness of government to the pressing needs of the city, and also to thwart citizen involvement.

There is little doubt that a greater degree of responsiveness and accessibility could be achieved through the delegation of authority to local officials responsible to local citizens. Such delegation of authority would be to individuals whose full-time concern as well as political survival would be involved with commitment to the local community. In addition, there is no doubt that respect for the federal interest as well as protection of that same interest could be assured through an adequate provision for Congressional oversight as previously suggested.

Efficiency is also a quality which must be maintained if government is to function effectively. On August 17, 1972, the report of the "Commission on the Organization of the Government of the District of Columbia" (the Nelsen Commission) was issued. The Commission offered recommendations for improving the administration of District government. In most respects, however, the Commission's report was concerned with the symptoms of inefficiency rather than the causes.

District government matters are not administrative. They are structural and procedural, and they are in direct relationship to the uninhibited exercise of authority over local affairs by the Congress. The District currently operates under a (Mayor) Commissioner-City Council form of governmental organization. However, the role of the actors in the appointive positions of "Mayor" and "City Councilman" are more ceremonial than real, more form, then substance.

Real power and authority over local affairs is both maintained and exercised through four Committees of Congress—the House and Senate District Committees and the House and Senate Appropriations Subcommittees on D.C. Affairs. As a result, much time and effort has been annually wasted in pro forma activity by local officials and attempts to second guess the Congress.

As previously indicated, the exercise of undelegated legislative authority, and line item budgetary veto powers by the District Committees have frequently carried the Congress into the time consuming local affairs that are indefensible in terms of any reasonable concept of "federal interest" or any other systematic logic. In the past year, for example, Members of the Congress have spent many hours in deliberation of matters of such vital importance to the Nation as:

Authorization of D.C. firemen to play in the Metropolitan Police Band
Kite flying
Snow and ice removal
Dog licensing fees
District dump truck fees

Ironically, the engagement of the Nation's Congressmen in such frivolity has probably done as much to jeopardize national priorities and federal interests as to safeguard it.

By inference then, the Congress has interpreted the "exclusive power" clause of Article I, Section 8 to mean "uninhibited powers" void of restraint from inter-

ference in local affairs and void of any apparent concern for the efficient use of the time of national representatives.

A typical example of the gross procedural inefficiency in District governance involves the budgetary process. Even a brief summary of that procedure would elucidate its absurdity.

First the budget is prepared by the Mayor and referred to the City Council. After extensive hearings, the Council forwards the budget to the President (Office of Management and Budget) for review. The President in turn submits it to the House and Senate District Appropriations Committees where it is again subjected to extensive hearings. Simultaneously, the House and Senate District Committees conduct hearings on the revenue bill.

As a result of this unwieldly process, morale is decreased, long range planning objectives are thwarted and the time and resources of the local bureaucracy and its officials are wasted in hours upon hours of hearings and re-hearings. Moreover, this process not only impedes efficiency, but in fact promotes inefficiency. It is significant to note in passing that nearly half of Fiscal Year 1972 had passed before the FY 1972 budget was approved by the Congress.

If we are to continue to proclaim ourselves as leader of the free world, it is incumbent upon us to at least equal the other free world capitals—Bonn, Paris, Tokyo, Berne, Rome, and Greater London—in the extension of democracy to the citizenry of our own capital city. In each of these countries, provision is made for home rule to the extent that each capital city has elected officials, legislative authority, and budgetary control over local affairs.

In the absence of constitutional prohibition and in light of historical and legal precedent, the matter of extending home rule is most precisely *a question of the will of Congress.* We urge the Committee to act quickly in reporting a bill so that the full House will have opportunity to respond during the first session of the 93rd Congress.

STATEMENT BY ELIZABETH R. KARLOW, DIRECTOR, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES ON SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

Mr. Chairman and members of the Subcommittee: my name is Eizabeth R. Karlow and I am a member of the Board of Directors of the League of Women Voters of the United States. I appear here today to speak for approximately 150,000 League members from 1300 communities in all 50 states, Puerto Rico, the Virgin Islands—AND THE DISTRICT OF COLUMBIA—in favor of self-government for our capital city.

You are presently considering several bills providing varying forms of increased self-government for the District of Columbia. As in the past, you have requested the views of interested organizations. We are in a quandary as to how to respond.

For the past 35 years the League has supported Home Rule. We have provided facts, and emphasized the practical and legitimate needs of the District's residents as well as the philiosophy, which few care openly to disavow, that democracy falls far short of its promise when a large number of citizens are denied a voice in their government.

We have not yet seen action. I propose at this time not to repeat our arguments once again—you've all heard them before—BUT to ask you: Is there material we can produce, or action we can take to help you *pass* any real Home Rule bill for the District of Columbia?

We can present no new data that you have not already received from previous witnesses. What we can state categorically is that the position adopted by the LWVUS in 1938 is as strong now as it was then: our members support a locally-elected District government. In 1971, the Senate passed legislation authorizing a mayor-city council organization whose legislative actions were subject to congressional veto. That bill would have given D.C. citizens their deserved self-determination while adequately protecting the federal interest in the District.

Both national party platforms have planks favoring home rule for the District.

You, Mr. Chairman, and the Chairman of the full committee co-sponsored a home rule bill with the District's non-voting delegate in 1971.

Yet, from my personal experience and from that of other League members, congressional protestations of conviction seem to weaken when the chips are down, and action, *NOT WORDS*, is required!

The past failure of the House District Committee and the Congress to act has only served to feed the frustrations and dissatisfactions of those who hold the

legislative branch in low repute; who claim that reason and facts carry no weight; who advocate disruption and disrespect as the only ways to get attention for unredressed grievances.

What is contributing to congressional inaction? An honest answer, publicly aired, would perhaps give both sides the opportunity to address these concerns: are they racial; or related to the School Board's performance; or the federal responsibility for city finances? We are all shadow-boxing and these hearings will be an exercise in futility unless we can openly lay to rest the emotional hidden agedas that distort the discussion of legislation to give home rule to the District.

In spite of the years of knocking unsuccessfully at congressional doors on this issue, League members have not given up. At our national convention in May of 1972, delegates voted support for a progressive, state by state, drive to alert this country's citizens to the second-class status of the District and to arouse grass roots support for a change. Members have brought the message to their communities with enthusiasm and conviction. Not surprisingly, the general public reaction has been one of astonishment. A local League in the Midwest wrote us, "Most of my audiences were amazed and dismayed by the D.C. situation . . . [but] without my . . . [presentation] these people would not have known or cared about the colonial plight of the D.C. citizens." (University City, Missouri).

This example points up what we hear from every side: most people outside the District don't even know that there is no self-government here. Therefore, the argument we hear from members of Congress that their constituents don't care about the District doesn't tell the whole story. We all have problems. We all concentrate on those that are closest to home. But League members know that when voters outside the District are made aware that over 700,000 residents of the capital are disenfranchised, they do care.

Evidence of this concern is coming from all across the country:

A resolution memorializing Congress to pass legislation authorizing home rule and voting representation in Congress was introduced in the Washington state legislature;

The City Council in White Bear Lake, Minnesota, passed a resolution urging self-government and representation for the District;

The Governor of Wisconsin issued a proclamation favoring self-government and representation;

Petitions are being circulated successfully by League members in a number of communities;

Letters of support are being or will be sent to Members of Congress from Alaska in the West to Maine in the East; from Minnesota in the North to Florida in the South;

Radio and TV interviews, parades, flyers, editorials, rallies, and speakers have all been part of local League initiatives in bringing the District's plight to the attention of their fellow citizens. In addition, the subject of D.C. home rule was incorporated in a course in high school practical politics given by the League in Lakewood, Ohio; and Leagues in San Diego, California and Simsbury, Connecticut have used a premiere of the movie "1776" to emphasize "D.C.—The Last Colony" and the theme of "taxation without representation."

I cite these examples, Mr. Chairman and members of the Committee, to emphasize our conviction that a constituency favoring self-government for the District does exist in every state of the Union.

The League bases its existence on support for representative democracy. We are as dismayed as you that public attitudes appear contemptuous of the ability of legislative bodies to meet current needs. We urge that you demonstrate your dedication to democratic principles and your ability to meet public needs by granting to the District's residents the right to solve their own problems.

The exercise of democracy has never demanded—or received—perfect performance. Mistakes will be made. But, as the late President Truman said, "The buck stops here." Responsibility and authority will rest where they belong—with locally-elected public officials. It will no longer be possible for "the buck to be perpetually passed around with only nebulous "great white fathers" in the federal government being blamed for all problems. At the same time, locally-elected officials will serve the needs of their constituency here in a way that Members of Congress, no matter how well-intentioned, can never do.

Members of the League do not question the good faith of this Subcommittee. We ask you sincerely, therefore, what can we do to help you draft and ensure House passage of a home rule bill for the District of Columbia?

STATEMENT OF RICHARD W. CLARK, CHAIRMAN, BOARD OF DIRECTORS OF "SELF-DETERMINATION FOR D.C.—THE NATIONAL COALITION"

Mr. Chairman, my name is Richard W. Clark. I am here today in behalf of the National Coalition, Self-Determination for D.C. The Coalition is comprised of 51 national organizations representing millions of Americans of divergent political opinions and parties, and from many walks of life, and from all parts of the country. We have united to advocate the return of the rights of our republic to the citizens of the Nation's Capital.

In addition to this oral testimony, I have brought with me written testimony from member organizations of the National Coalition. We would like to have this testimony entered into the Record at this time. Some Coalition member organizations have requested that they be allowed to submit written statements at a later date.

Washington, D.C. is a beautiful city; its monuments, its parks, its public buildings are a fitting tribute to the world's oldest and in many ways greatest democracy. Yes, it is a national city. The Capitol, the White House, the Supreme Court and all the other symbols of a working republic situated here belong to all American citizens. But the people of this city do not. Beyond the monuments and the mall are nearly 800,000 human beings who have as much right to participate in their local government as do the citizens of Detroit, Valparaiso, Mankato, or any other American city.

Columbia is the capital of South Carolina and as such it belongs to the people of South Carolina. But no one would suggest for that reason its citizens should not elect their own Mayor or city government. Neither did the founding fathers wish to disenfranchise the citizens of the Federal district when they drafted the Constitution. A key author of that document, James Madison, stated without reservation in the Federalist Papers that: "A municipal legislature for local purposes, derived from their own suffrage, will of course be allowed . . . District citizens."

As we approach the 200th anniversary of the founding of this country, it is appropriate that we reflect on why so many men risked their lives and fortunes in declaring their independence and fighting the revolution. Was it not because they believed that the rights of government, any government, do not preclude the rights of the people? Did they not fight and die because they believed that no people should be taxed without equal representation in the tax-making body? Did they not suffer so that the people would have their own courts of law and their own elected leaders?

But now we look at the District of Columbia, the free world leader's capital city—a city without participatory democracy. Here we see a people whose local taxes are higher than all but three of the self-governing states. Yet, these same people have no voting representation in the taxation process. We see a people whose rights as citizens are denied in the name of the "federal interest"—an ambiguous concept pursued with vastly unequal fervor among the various political jurisdictions. We see a people whose local courts and high offices are manned not by men they have chosen, directly or even indirectly, but by appointees from an outside power. Whether these judges or officials be just or unjust, black or white, Republican or Democrat, is not the point. The point here, as in the preceding instances, is that in a democracy the institutions and offices of government should belong to the citizens.

The denial of accountable self-government to the District of Columbia is a mockery of every democratic principle this country represents. Our Declaration of Independence declares that governments derive "their just powers from the consent of the governed," yet the laws which currently govern the District deprive more than three-quarters of a million Americans of the fundamental right to select those who govern them.

Three arguments are customarily advanced against reinstating home rule to the District: (1) Congress lacks power to delegate home rule authority to the District and must by force of the Federal Constitution, govern the capital city itself; (2) The District, seat of the national government, should be denied home rule in order to protect the federal interest; (3) The people of the District of Columbia are incapable of (or disinterested in) home rule.

The first two of these arguments are frequently and vociferously advanced by home rule opponents. The third, probably the key argument for many home rule opponents, generally exists as an undertone. All three are invalid.

Some home rule opponents assert that Congress is constitutionally incapable of delegating authority to a local government to conduct the affairs of the District of Columbia, they base their contention on Article I, Section 8 of the Constitution:

"The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever, over such District . . ."

But the argument that this clause prohibits home rule will not bear analysis. It is refuted by history and by judicial decision.

If Congress lacks constitutional authority to delegate legislative responsibility to a District of Columbia home rule government, then it acted unconstitutionally in 1802, 1812, 1820, and 1871—each being years in which the Congress provided for popular elected legislatures to rule the District. If Congress cannot delegate its legislative function to the District, then Congress is acting unconstitutionally today, and has been doing so since 1887. In that year the Congress authorized the then existing three-man commissioner government to make and enforce public regulations. Regulatory power and other quasi-legislative authority is still held by the Commissioner-City Council Government presently in operation in the District.

In 1953, the Supreme Court, in a unanimous opinion (*District of Columbia vs. John R. Thompson Co.*), held that "the Congress had the authority under Article I, Section 8, Clause 17 of the Constitution to delegate its lawmaking authority to the legislative Assembly of the municipal corporation which was created by the Organic Act of 1871." In reaching its decision, the Court specifically rejected the argument that the word "exclusive" renders the legislative function non-delegate. The Court said, "it is clear from the history of the provision that the word "exclusive" was employed to eliminate any possibility that the legislative power of Congress over the District was to be concurrent with that of the ceding states."

Moreover, the argument that Congress lacks the authority to delegate its legislative responsibility to a local government in the District, including a popularly-elected government, stands refuted by 170 years of delegation. Fifty of these years (1820 to 1870) involved delegation to a local government, whose officials were popularly elected.

The barrenness of the attempted legal argument against home rule re-emphasizes the fact that the question of home rule for the Nation's Capital is not really a constitutional matter. Rather, it is a political, social, and moral one.

The other two general categories of arguments against home rule previously noted, are that "the federal interest in the District makes home rule unwise," and that "the people of the District are incapable of prudent self-government."

What is there about the federal interest in the District which supposedly makes the restoration of home rule unadvisable? Is it the mere size of the governmental establishment? Or is it that we have been subjected to the effects of some undefinable or mystical principle? Indeed, the headquarters of a great number of federal agencies and their top personnel are located here, but other agencies are headquartered in other jurisdictions (e.g., the Department of Defenne in Virginia and the Atomic Energy Commission and Social Security Administration in Maryland) without causing the slightest embarrassment to the government of the United States.

There are literally scores of government installations and hundreds of government buildings located in the suburbs of Washington. Likewise, a 1970 government report ["Annual Report of Federal Civilian Employment by Geographic Area" (U.S. Civil Service Commission; December 31, 1970)] reported federal civilian employment in the District at 192,918 compared to 124,584 for the surrounding suburbs.

To be sure, the federal administrative and proprietory interest is no less in kind in the suburbs than in the District of Columbia. However, who would even dare to suggest that the rights and protections of local self-government should be denied to the suburban residents because of the federal interest? The truth is that "the federal interest is expressed through no coherent or responsible process, but tends to emerge through accident, whimsy, occasional deliberation, or the design of some unthwarted interest." [From "The Government of Federal Capitals"—Washington, by Hanson and Ross.]

The Chief Executive also lives and works in the District of Columbia. Certainly he has concern for the "federal interest". Yet every President since Franklin Roosevelt has supported home rule. In addition, every President from Adams

to Grant lived and worked while in office in some form of home-ruled Washington.

The notion of the Federal Government being centered in a home-ruled city seems far less humiliating, threatening, or unwise than the thought of the Congress of the United States demeaning itself by serving as a local city council, and wasting its time and energies by debating such "burning issues" as whether or not D.C. firemen can play in the police band, whether kite-flying is a legal pastime in the District, or the setting of taxicab fares. All are issues which have robbed constituents of the valuable time and services of their national representatives. Where else in the world could you find the absurdity of a 535 member "national city council".

One must look beyond the legal and "federal interest" arguments, however, to find the more basic reason why the District is denied home rule. There is an often unspoken suggestion that the population of the District of Columbia cannot be trusted to govern itself. Some feel that that belief is based on racial prejudice of the kind evidenced by several previous witnesses before the Committee. We find any such allusion to race or the racial composition of the city as totally repugnant to the Constitution and to basic decency.

A closely related argument suggests that if the popular government in power during the post-Civil War period so mismanaged its affairs that Congress abolished home rule, what assurance is there that such mismanagement will not recur? The fact is that most major cities of Washington's 171-year age have experienced periods of embarrassing mismanagement at some point in their history. What many "it-could-happen-again" critics ignore is that most of the mismanagement complained of in the 1870's occurred after the popularly elected mayor/council system was abolished. Home rule had been virtually eliminated by the Act of 1871. We regard this argument as specious, however, in that (state granted) municipal home rule with delegated authority has a long tradition of success in our country. Moreover, the current home rule proposals supported by the Coalition contain more than adequate provision for Congressional oversight and for protection of the national interest.

The argument that the people of the District cannot be trusted to govern themselves represents what is perhaps the last unbridled expression of autocracy in America. It reflects the last vestiges of the fear of popular government which President Andrew Jackson assailed when he demanded: "Let the people rule!"

Since its formation, "Self-Determination for D.C."—the National Coalition, has been actively seeking a broad consensus of member organization and citizen opinion regarding restoration of the full rights of suffrage and self-government to the people of Washington. Having obtained that consensus from those groups and individuals identified with us, the Coalition is here today to voice our strong support of the concept of home rule for the District of Columbia. Again, we define that concept to minimally include:

1. Elected local officials;
2. Full legislative authority over local affairs;
3. Budgetary authority including the right to determine revenues and allocate the same according to local priorities; and
4. An automatic annual federal payment.

The time is *now* for bringing these hearings to an end. Home rule debates have been going on since early 1800. Hundreds of hours of debate and scores of hearing records and reports have been logged.

To the Congressional proponents of home rule, your allies are many—they represent virtually all segments of the political spectrum, are from every state of the Union, and have demonstrated a willingness to rally to your leadership. These hearings have themselves brought forth evidence of the diversity of support. You have heard supportive testimony from conservatives and liberals, Republicans and Democrats, inner-city residents and suburbanites, businessmen and union representatives.

If such overwhelming support is still not enough, I call your attention to the 1965 Harris Poll (see Congressional Record, September 27, 1965, p. A 5454) in which Americans supported home rule by a 6 to 1 margin. Perhaps you should also be reminded that the Senate has passed seven home rule bills since 1948—most recently in 1971 by a 64 to 8 margin. Likewise, the August 1971 Report of the Congressionally sponsored "Commission on the Organization of the Government of the District of Columbia" recommended the extension of specific and substantial legislative and fiscal authority to the District Government. The Fore-

word of the Commission's Report stated (quote) ". . . that study and implementation of this report should not be used as a substitute for continued debate and action on the issue of elected local officials . . ."

To the Congressional opponents of self-determination, we challenge them to exercise their responsibility as national legislators. We ask that they too help to end the charade of years of time-consuming hearings and testimony. With all due respect to their opinion, we ask that they help bring an end to the obstructionist tactics employed in recent years by a handful of self-serving Members. Self-determination is not an ordinary legislative issue. It is a matter which goes to the heart and vitality of a community of nearly 800,000 citizens and in some way touches virtually every aspect of their daily lives.

Along with other indications of support, local citizen fervor for home rule has been overwhelming. Three home rule referendums were conducted by the Republican and Democratic parties in the past decade. In 1960, 87.4 percent of those voting favored home rule; in 1964, 85 percent voted in favor, and in 1968, 97.7 percent (Democrats only), were in support. In 1973, local support is at its highest ever. An indication of this high level support is contained in the favorable testimony of such widely diverse groups as the Board of Trade, Metropolitan Washington Council of Governments, Liberty Lobby, Central Labor Council, and the City Council. The absence of any organized opposition to self-government, contrasted with organized support for the same, e.g., Self-Determination Coalition, Statehood Party, Washington Home Rule Committee, is further evidence of the range of local support.

In summation, Mr. Chairman, let me say that the 51 national organizations comprising "Self-Determination for D.C." are firmly committed to the restoration of full citizenship rights to the residents of the District of Columbia.

Furthermore, we believe that as the self-proclaimed leader of the free world, our country must at least match the status of other free world capitals—Bonn, Paris, Tokyo, Berne, Rome, and Greater London—in the extension of democracy to our own capital city.

Self-government for D.C. is constitutional and is supported by the weight of historical and legal precedent. All that remains in question is the will of the Congress. We urge the Committee to act quickly in reporting a bill so that the full House will have opportunity to make a determination during the first session of the 93rd Congress.

MEMBER ORGANIZATIONS: THE NATIONAL COALITION

American Association of University Women, American Civil Liberties Union, American Federation of Government Employees, American Federation of State, County, and Municipal Employees; American Federation of Teachers, Americans for Democratic Action, American GI Forum, American Jewish Committee, American Jewish Congress, American Veterans Committee, Association of Student Governments, B'nai B'rith Women, Central Conference of American Rabbis, Common Cause, Communication Workers of America, Delta Sigma Theta Sororities, Inc., Democratic National Committee, ECO—Vote of Indiana, General Board of Christian Social Concerns, the United Methodist Church; Improved Benevolent Protective Order of Elks, Jewish Community Council, League of Women Voters, League of United Latin American Citizens, and National Alliance of Postal and Federal Employees.

Legislative Affairs Project, United Methodist Council on Youth Ministeries; National Association for the Advancement of Colored People, National Association of Human Rights Workers, National Association of Negro Business and Professional Women, National Council of Churches, National Education Association, National Farmers Union, National Council of Negro Women, National League of Cities, National Association of Federal Employees, New Democratic Coalition, Newspaper Guild, Southern Christian Leadership Conference, Union of American Hebrew Congregations, United Auto Workers; United Church of Christ, Council for Christian Social Action; United Presbyterian Church in the U.S.A., United States Conference of Mayors; Urban Emergency Action Committee, Christian Church; Washington Research Project Action Council, Women's International League for Peace and Freedom, World Federalist Youth, U.S.A.; Young Democratic Clubs of America, National Center for Urban Ethnic Affairs, and National Council of Negro Women.

SUPPLEMENTAL STATEMENT

Question: How can minority political representation be assured in city council elections based upon the existing District of Columbia ward structure?

The question of minority political representation on the city council arose as the result of a suggestion made in testimony before the committee on April 16, 1973, that minority political representation be assured on the City Council.

The proposal was predicated upon a suggestion that the city be divided into four (4) election areas for purposes of city council representation, and was based upon the theory of proportional representation. It was further suggested that the four (4) subdivisions should be divided, roughly, proportionately in population as well as area.

The present ward structure presents an inequity in population and area. E.g., the total number of registrants in the ward with the least number of registrants is approximately 26,600 (ward VIII) and the ward with the most registrants with approximately 56,200 registrants (ward VIII). Assuming that the ward boundaries could be re-drawn to achieve equal population, the election of only two (2) councilmen from each ward does not permit for a system of proportional representation. Either the number of councilmen elected from each ward must be increased, which would make the city council too large a body to be effective, or an arbitrary rule must be proposed so that one (1) councilman would be a majority party member and one (1) would be a minority party member where that minority party has at least a certain number of registrants within that ward. (This may result in the creation of an unconstitutional scheme which would have the effect of diluting majority vote.) Therefore, it is difficult to envisage minority political representation based upon the present ward structure.

An examination of American cities with populations in excess of 250,000, reveals, that city council and assembly elections are held on a non-partisan basis. This not only guarantees that majority vote shall prevail but by and large makes for good government. Accordingly, it is suggested that unless some division other than the present ward structure is used, it is strongly urged that city councilmen elections be held on a non-partisan basis.

STATEMENT OF THE NATIONAL EDUCATION ASSOCIATION ON HOME RULE LEGISLATION

The 1.2 million members of the National Education Association are appreciative of this opportunity to submit testimony again in favor of self-government for the citizens of the District of Columbia.

Significant first steps have already been taken. The Association applauded the legislation which provided for a popularly-elected School Board for the District. Now further steps are before you.

The Association believes that three basic elements essential to the establishment of a true and workable form of self-government are: first, locally elected officials, including a mayor and city council; second, control by elected District officials over the District of Columbia's budget; and third, automatic payment of federal funds to compensate for the heavy concentration of nontaxable federal and international buildings within the District.

We have noted with interest the testimony presented by Mr. Sterling Tucker and others, representing the Metropolitan Coalition for Self-Determination for the District of Columbia before this Subcommittee on April 3, 1973. Although the National Education Association has taken no specific actions which would dictate support or lack of support for any of the details offered in the testimony, we believe that adoption of the suggestions made by the Metropolitan Coalition would satisfy the three basic elements above which we consider essential for meaningful self-government.

The Association has long been on record in favor of complete Home Rule for the District of Columbia. Educators across the country, who daily teach the history and development of representative government in the United States, the most durable democracy yet created, consider it ironic that the 800,000 people in the nation's Capital City are denied the basic democratic right to a local government responsible to them at the polls.

The Declaration of Independence says it well—that in order to secure the rights to life, liberty, and the pursuit of happiness, "governments are instituted among men, deriving their just powers from the consent of the governed . . ."

For the last hundred years residents of the District of Columbia have been governed by powers not derived from their consent, but from the consent of the citizens of the several states. It is basic to the principles set down by Jefferson and the other brave men meeting in Philadelphia that governments at all levels should be elected by, and therefore answerable to, the citizens governed. Only in the District of Columbia is this principle violated, and we urge a speedy and effective remedy.

An elected mayor and city council, and indeed an elected school board also, have in fact no powers unless they are able to make decisions concerning the financial affairs of the District. It would be an exercise in futility for a governing body to legislate authority to hire more policemen, for example, or to mandate an innovative reading program in the schools, unless that same body could also legislate the financial means to implement the legislation. Therefore we urge that the District of Columbia's budget be controlled by the elected District officials.

And finally, we urge adequate and automatic federal payments to the District government to offset the severe shortage of taxable property within the boundaries of the District caused by the heavy concentration of nontaxable federal and international buildings.

We join with other members of the National Coalition for Self-Determination for D.C. in urging that this Committee take quick and positive action toward granting full rights of citizenship to the residents of our Capital City.

STATEMENTS OF RICHARD W. CLARK, CHAIRMAN OF THE BOARD SELF-DETERMINATION FOR DISTRICT OF COLUMBIA—NATIONAL COALITION; AND ELIZABETH R. KARLOW, MEMBER, NATIONAL BOARD OF DIRECTORS, LEAGUE OF WOMEN VOTERS

Mr. FRASER. Mr. Chairman.

Mr. CLARK. Mr. Chairman, I am Dick Clark, chairman of the Board of Self-Determination from the District of Columbia. I am accompanied today by Mrs. Elizabeth Karlow, who is representative of National Board of League of Women Voters. As you know, their League of Women Voters has been one of the longest participants in the campaign for self-determination.

For clarification purposes, the National Board of Self-Determination for the District of Columbia is a counterpart, at the national level, is a counterpart of the Metropolitan Steering Committee of Self-Determination. It is one organization with two expressions.

And for the most part, the testimony which we give today will deal with the philosophical and some of the rhetorical questions which we felt were overdone with, but we found they had been raised again in testimony, particularly in the last 2 weeks.

We would also like to say that the coalition generally supports the statements given by the Metropolitan Steering Committee with respect to the technical questions as to the structure, form, and various controls and authorities that the potential local government will have.

I would also like to say that we are very appreciative of the position the subcommittee has taken in getting on with the business of self-determination. I know personally I am very tired of only being involved in the campaign a couple of years but going through this process has been a very worrisome one. It has been a very expensive one for the Federal Government. It has also been a very time consuming one for the residents of the District of Columbia, some of whom are here today who have been back for as many as 25 years.

In addition to this oral testimony that I give today, I have also brought with me testimony from some of the member organizations of the national coalition. Also, some of them have requested to testify or submit testimony for the record rather at a later date.

Mr. FRASER. Without objection, we will make a part of the record the statements that you have now for members of the coalition. If you want to submit them, we will incorporate them in the record.

Mr. CLARK. The staff assistant has them.

Mr. FRASER. We'll expect some further statements as you have indicated and without objection, those will be made a part of the record when we receive them.

[The information referred to follows:]

APRIL 12, 1973.

To: Chairman and Members, Government Operations Subcommittee of the House District Committee
From: United Presbyterian Washington Office
Subject: Home Rule Hearings

The United Presbyterian Church in the U.S.A. meeting at the 182nd General Assembly in Chicago, May 22–27, 1970 concurred in the following overture:

The 1970 General Assembly of the Presbyterian Church in the United States answered the following overture regarding Home Rule for the District of Columbia from the Presbytery of the Potomac in the affirmative:

Whereas, for seventy years the citizens of the District of Columbia enjoyed local Home Rule and whereas this Home Rule was abolished by Congress after the Civil War:

Whereas, the District of Columbia has recently acquired a City Council and whereas its members are not elected by the people of the District;

Whereas, the District of Columbia remains unrepresented in the Congress of the United States at a time when the malaise of powerlessness is more traumatically felt in the District, leaving the citizens of the District virtually alone among the people of the United States who are denied any voice in choosing the members of the legislative bodies who rule over them;

Be it resolved, the Potomac Presbytery record its affirmation of the principle of representation in Congress for the District of Columbia and that it be communicated to the news media and the Congressional Committee dealing with the matter.

Be it further resolved, that Potomac Presbytery overture the General Assembly of the Presbyterian Church in the United States to urge the Congress of the United States to adopt and the States to ratify, an amendment to provide for full voting representation in Congress for the citizens of the District of Columbia.

We reaffirm support of this overture.

For generations the Presbyterian Church has supported the principles of representative government and the right of participatory democracy. The citizens of the District of Columbia are responsible people and democracy can work in Washington, D.C.

The federal interest and the local interest are synonymous. It is in the "federal interest" to provide for "consent of the governed" in the Capital City of the United States. We advocate this form of government throughout the world and it is essential that we practice it in this city. D.C. residents no more want to allow appointed officials to control their daily lives than do the citizens of any other city, town or county in this republic.

We believe that D.C. home rule legislation must contain four basic elements:

1. Locally elected officials.
2. Full legislative authority over local affairs.
3. Budgetary authority, including the right to determine local priorities and to raise and allocate revenue.
4. An automatic system of financial assistance coming from the federal government to the District of Columbia government to compensate the District for its heavy concentration of non-taxable federal, foreign and private non-profit property.

We appreciate the opportunity to present our views to your committee.

STATEMENT ON HOME RULE FOR THE DISTRICT OF COLUMBIA SUBMITTED BY THE AMERICAN JEWISH CONGRESS, NATIONAL CAPITAL CHAPTER

For many years, the American Jewish Congress, a national organization with 40,000 members, has supported the principle of home rule for the District of Columbia. Once again we urge the Congress to enact legislation that will grant to the residents of the nation's capital the right and responsibility to exercise meaningful control over their local affairs.

The bedrock of our constitutional system is the principle that government exists only by the consent of the governed. It follows, therefore, that the people have an obligation to exercise the elementary rights of citizenship, to vote, to participate in the affairs of their community, and to hold their representatives accountable for what is done in their name. We teach this to our children, and we urge it upon ourselves.

How ironic, therefore, that the people who live in the nation's capital cannot fully participate in the democratic process. They do not elect their officials, they do not determine the use to which their taxes will be put, and they are barred from meaningful decision making with regard to the policies and programs that will shape the quality of life in their community.

We recognize that complex issues confront the Congress in its home rule deliberations. The presence of the federal government within the District's boundaries, the various proposals concerning the form of representative government for the District, and the nature of the anticipated fiscal relationship between the government of the District of Columbia and the federal government are all matters of grave concern. Yet the Congress must not allow the difficulty of the task to blind it to the rightness of the principle. It has a clear obligation to relieve the citizens of the District of Columbia of the burdens imposed by the denial of full citizenship rights.

The American Jewish Congress supports home rule for the District of Columbia and urges the Congress of the United States to grant self-determination to the nearly one million Americans who live in the nation's capital.

NATIONAL BOARD OF THE YOUNG WOMEN'S
CHRISTIAN ASSOCIATION OF THE U.S.A.
New York, N.Y., April 12, 1973.

HON. BROCK ADAMS,
Chairman, Subcommittee on Government Opcrations, District of Columbia Committee, House of Representatives, Washington, D.C.

DEAR MR. ADAMS: The National Board of the YWCA requests that the following statement on *The Franchise for the District of Columbia* be included in the record of the Hearings of this committee:

At the 26th triennial National Convention of the YWCA of the USA held in San Diego two weeks ago, the delegates voted overwhelmingly to "place high priority on action this triennium to support measures which will extend the franchise to residents of the District of Columbia, including full voting representation in the United States Congress, and providing self-government (Home Rule) for residents of the District of Columbia."

This action by our delegates, representing more than 2,200,000 members and participants in community and student associations, is only the most recent expression of long standing YWCA support of the franchise for the District of Columbia. For well over a century our organization has been involved in bettering the conditions of life and the opportunities open to women. We early discerned the importance of the franchise as an instrument in achieving equal rights for women and declared "the franchise constitutes the basic instrument of effective democracy and should be available to all adult citizens."

The YWCA as a women's movement with a membership of diverse racial, ethnic, and religious backgrounds has committed itself to work for the elimination of racism in our own organtization and also in the institutions of our society. We view the continued failure to give the franchise to the District of Columbia with its large majority of black citizens as evidence of the racism which still stands in the way of equity for all citizens.

Our history has made it abundantly clear that without the franchise and the rights and responsibilities of self-government which accompanies it, citizens are

denied access to basic decision-making, to individual and group empowerment, and to the human rights accorded by our constitution. Our nation in recent years has been painfully redressing the inequities in our law as they affect racial minorities in the Voting Rights Act of 1965 and its implementation. We believe the citizens of the District of Columbia must have the same rights enjoyed by all other citizens. The granting of the franchise and self-government to the District of Columbia is an essential requirement if at the heart of our nation we are to show forth in deeds what we loudly proclaim in our public documents.

The YWCA urges this committee to take effective leadership in security Congressional action in response to what we believe is the will of our nation—the granting of full franchise to the District of Columbia.

Sincerely,

MRS. WILLIAM H. GENNÉ,
President.

STATEMENT OF SUPPORT FOR HOME RULE FOR WASHINGTON, D.C.

The Newspaper Guild has supported local self-government for the District of Columbia for many years. Our files contain a resolution, passed at our 1950 convention when we were still known as the American Newspaper Guild. That resolution of 23 years ago reads as follows:

"Whereas, the disenfranchised residents of Washington, D.C., the nation's capital, while paying taxes and performing other obligations of regular citizens, have neither voice in affairs of their country or in the government of the District of Columbia, and

"Whereas, continual efforts to eradicate this condition have previously failed only for lack of proper and sufficient Congressional support,

"Be it resolved: That the American Newspaper Guild hereby urges the Congress of the United States to grant citizens of Washington the right to home rule and also the right to participate and vote in national elections."

The Newspaper Guild at our 1972 convention again adopted a strong resolution in support of home rule and also in support of full voting representation in the Congress for the District of Columbia.

That resolution again pointed out that the citizens of the District have no voice in the choice or operation of the city's municipal government. It stated: "This situation flies squarely in the face of the tenet that participation by the citizenry in their government at all levels is the basic principle of responsive government."

That resolution went on to point out that the Senate had passed a strong bill to provide home rule for the District and called upon the House District Committee to report favorably, without further delay and without change, the home rule bill approved by the Senate.

This, of course, is a new Congress and a new House District Committee. However, we ask you to heed our words of 1950 and particularly that portion of our 1972 resolution which calls for House District Committee action on home rule "without further delay."

EXCERPT FROM PROCEEDINGS OF THIRTY-NINTH ANNUAL CONVENTION, THE NEWSPAPER GUILD (AFL–CIO, CLC)

The District of Columbia

The 800,000 U.S. citizens who live in the nation's capital city continue to have no voice in the choice or operation of the city's municipal government and have only token, non-voting representation in Congress.

This situation flies squarely in the face of the tenet that participation by the citizenry in their government at all levels is the basic principle of responsive government.

The Senate has passed a strong bill to provide home rule for the District. The House of Representatives has yet to act. Home-rule bills there have been tied up in the District of Columbia Committee, chaired by Rep. John L. McMillan.

The Congress also has before it a strong bill to provide home rule for the District. The House of Representatives has yet to act. Home-rule bills there have been tied up in the District of Columbia Committee, chaired by Rep. John L. McMillan.

The Congress also has before it a proposal to give the District full voting representation in Congress. (Eleven [1] of the 50 states have fewer residents than the District and among them elect 22 U.S. Senators and 17 members of the House.)

The Newspaper Guild, reaffirming the Guild's support for home rule for the District of Columbia, calls upon the House District Committee to report favorably, without further delay and without change, the home-rule bill approved by the Senate (S. 2652), and the IEB further calls upon the House of Representatives to enact the measure.

TNG also endorses full voting representation in Congress for the District and calls upon the Congress to approve a proposed Constitutional amendment to accomplish this.

Mr. CLARK. The Capitol, the White House, the Supreme Court, and all the other symbols of the working republic situated here belong to American citizens, that is for certain but the people of the city do not. Beyond the monuments, the mall, nearly 800,000 human beings who have as much right to participate in local government as the residents of any other city whether that be Detroit, Valparaiso or Mankato.

The Founding Fathers apparently did not wish to disenfranchise the citizens of the District of Columbia. Key author of the Federalist papers, James Madison, stated that without reservation the municipal legislature for local purposes derived from their own sufferage will of course be allowed to District residents and I defy anyone to challenge the intent of that passage. It has been twisted and manipulated and in some ways, attempted to discredit the fact that the Founding Fathers did say that they expected that this would be so.

There are usually three arguments that are advanced against reinstating home rule to the District of Columbia and I say reinstating because what we are advocating now is no different than what we had in the District of Columbia between the years 1820 and 1871, in which the District had full elected legislative body as well as elected chief executive.

The arguments customarily advanced against home rule are one, the Congress lacks the power to delegate home rule authority to the District and must, by force of the Federal Constitution, govern the Capitol City itself; second, that the District, the seat of the National Government, should be denied home rule in order to protect the Federal interest and third, the people of the District of Columbia are incapable or disinterested in home rule.

These arguments, as I have said, are old and tired and have been repeated time and time again and I really feel a little embarrassed that I've got to go over them again but since they were brought up in testimony last week and were not dealt with, I feel it necessary to restate them. The first of these arguments usually advanced, is usually advanced by home rule opponents and that is, with regard to the ability of the Congress to delegate authority to a locally elected government.

Article I, section 8 of the Constitution says, and I quote: "The Congress shall have power to exercise exclusive legislation in all cases whatsoever over the District." That the argument that this clause prohibits home rule or that it will not bear analysis has been refuted by

[1] Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont and Wyoming.

history and by judicial decision. The fact is, that if Congress lacks the constitutional authority to delegate legislative responsibility to the District of Columbia through a home rule government, that it acted unconstitutionally in 1802, in 1812, 1820, and in 1871 because in each of these years, the Congress provided the properly elected legislators to rule the District.

Also, if Congress can not constitutionally delegate its legislative function to the District, then the Congress is acting unconstitutionally today because in fact, it has delegated certain regulatory powers and other quasi-legislative authority to the Commissioner-City Council government presently in operation.

In 1953, the Supreme Court, in a unanimous opinion, the *District of Columbia* v. *John R. Thompson Co.*, held that "the Congress had the authority under article I, section 8, clause 17 of the Constitution to delegate its lawmaking authority to the legislative assembly of the municipal corporation which was created by the Organic Act of 1871." In reaching its decision, the Court specifically rejected the argument that the word "exclusive" renders the legislative function nondelegable.

The Court said, "it is clear from the history of the provision that the word 'exclusive' was employed to eliminate any possibility that the legislative power of Congress over the District was to be concurrent with that of the ceding States." In other words, they are concerned about Virginia and Maryland perhaps interfering with the operation of the Federal Government but they are not talking about the right or power of the Congress to delegate authority to the District.

I think the barrenness of the attempted legal argument against home rule just served to reemphasize the fact that the question of home rule for the Nation's Capital is not really a constitutional matter, it is a political one. What is there, if anything, about the Federal interest in the District which makes the restoration of home rule unadvisable?

Certainly the headquarters of a great number of Federal agencies and their top personnel are located here but other agencies or headquarters in other jurisdictions, for example, the Department of Defense is in Virginia, Atomic Energy Commission and Social Security Administration are in Maryland, without causing the slightest embarrassment to the Government of the United States.

There are literally scores of Government installations and hundreds of Government buildings located in the suburbs of Washington. In addition, a 1970 Government report, that is the "Annual Report of the Federal Civilian Employment by Geographical Area," and that was a Civil Service Commission report, that report stated that Federal civilian employment in the District was a total of 192,918 compared to 124,584 for the surrounding suburbs.

Obviously then, the Federal administrative and proprietary interest is no less in kind in the suburbs than it is in the District of Columbia. However, who would even dare to suggest that the rights and protections of local self-government should be denied to the suburban residents because of the Federal interest. The truth is that the Federal interest is expressed through no coherent or responsible process, but tends to emerge through accident, whimsy, occasional deliberation, or the design of some unthwarted interest.

The notion of the Federal Government being centered in the home rule city seems far less humiliating than the threat of having the Congress of the United States demean itself by serving as a local city council and wasting its time and energies by debating such burning issues as whether or not District of Columbia firemen can play in a police band or the setting of taxicab fares, a more recent example. All are issues which have robbed constituents of the valuable time and services of their national representatives while major problems of national import are crying for attention. Where else in the world can you find the absurdity of 535 national legislators serving as a city council?

Some of the people who are opposed to home rule say that we had home rule one time and that it resulted in a mess and that this could happen again but what these critics ignore is that the mismanagement complained of in the 1870's, at the time in which home rule was taken away from the District of Columbia occurred after the popularly elected Mayor-City Council form was abolished and in fact, it was Boss Sheppard, an appointed official, who was the individual chiefly responsible for the so-called alleged fiasco. Moreover, current home rule proposals supported by the coalition at least the approaches to home rule, contain more than adequate provision for congressional oversight and for protection of national interest. The coalition is here today to voice strong support for the concept of home rule for the District of Columbia.

We define that concept to minimally include elected local officials; second, full legislative authority over local affairs; third, budgetary authority including the right to determine revenues and allocate the same according to local priorities and fourth, an automatic annual Federal payment.

To the proponents of home rule, I would say that your allies are many. They represent virtually all segments of the political spectrum. They are from every State of the Union and they have demonstrated a willingness to rally to your leadership.

There are few issues that I would say that have brought forth the diversity of support that you have heard and already given testimony before this subcommittee. We have heard supportive testimony from conservatives and liberals, from Republicans and Democrats, from inner-city residents and suburbanites, from businessmen and union representatives and believe me, that is a rarity when they are all on the same side.

If that isn't evidence enough, I refer you to the 1965 Harris poll which was the only poll that I am aware of that was taken in an attempt to find out what Americans felt in general about the question of home rule. That poll indicated that 6 to 1, Americans support home rule for the District of Columbia. I think, as a side note, it was also interesting as to the reasons why they felt that home rule should be given at that time. One was that they felt that people in any area have a right to govern themselves; second, they felt that a city should determine its own destiny, and third, they felt that Congress has not done a good job in running the city.

Perhaps you should also be reminded that the Senate has passed seven home rule bills since 1948 and most recently, in 1971 by a 64-to-8 margin. It is very difficult for me to believe that home rule is really a

controversial issue unless at the same time you are indicting not only American citizens at large, but you are also indicting the entire Congress or Senate, rather, as being irresponsible.

Finally, I would like to mention that the Commission on the Organization of the Government of the District of Columbia, that is, the Nelsen Commission itself, recommended the extension of specific and substantial legislative and fiscal authority to the District government. The foreword of the Commission report stated, and I quote:

> Study and implementation of this Report should not be used as a substitute for continued debate and action on the issue of local elected officials.

And again, that's coming from the Congress' own Commission study. I would like to say this to the congressional opponents of self-determination, we challenge you to exercise your responsibility as national legislators, we ask that you help to end the charade of years of time-consuming hearings and testimony. With all due respect to the opinion of the opponents we ask that they help bring an end to the disgraceful and obstructionist tactics which have been employed in recent years by a handful of self-serving members.

Self-determination for the District is not an ordinary legislative issue, it is a matter which goes to the heart and vitality of a community of nearly 800,000 citizens. And it some way touches virtually every aspect of the daily lives.

I would say that local citizen support for self-determination too is at its highest. An indication of this level of suport is contained in the favorable testimony of such widely diverse groups as the Board of Trade, the Metropolitan Washington Council of Government, the Liberty Lobby, Common Cause, the League of Women Voters, the Central Labor Council, the City Council, and the Black United Front. In fact, the absence of any organized opposition to self-government seems in itself evidence that the issue is now one that should be dealt with very quickly and as most expeditiously as the Congress can see fit.

In summation, Mr. Chairman, let me say that the 51 national organizations comprising Self-Determination for the District of Columbia are firmly committed to the restoration of full citizenship rights to the residents of the District of Columbia. Furthermore, we believe that as the self-proclaimed leader of the free world, our country must at least match the status of other free world capitals such as Bonn, Paris, Tokyo, Berne, Rome, and Greater London in the extension of democracy to our own Capital City.

It is difficult for me to believe that we can't find a way of doing this when other free world capitals have been practicing democracy for many, many years. You may be aware that yesterday, 400 to 500 local citizens working through self-determination proclaimed today, April 16, as official day of mourning and that's the reason why we have these black armbands on.

In followup to yesterday's symbolic protest, we decided that today we would like to deliver to Congressman Diggs and to the committee, again as a symbolic protest, the letters which were written either yesterday—or which have been delivered to Self-Determination during the past week. These letters express in many different ways the priority concern that local residents have over self-determination and the need

to get on with the business at hand. We are going to ask Congressman Diggs and this committee to establish self-determination as a No. 1 priority. We are also going to ask that all plans to study home rule further as well as plans to experiment with the District of Columbia be abandoned. We don't feel that we want to be an urban laboratory. We don't want to be experimented with any longer; at least not until an accountability of Government is established. At that time, we feel the District residents would be more than willing to work hand in hand with the Federal Government in establishing Washington, D.C., as a model city for the Nation.

I would like to defer to Mrs. Karlow as she has a supplementary statement which she wants to give on behalf of the League of Women Voters which incidentally, was one of the founding organizations of "Self-Determination for the District of Columbia."

As I mentioned earlier, it has been one of the organizations most involved in the campaign for many, many years.

Mr. FRASER. We're glad to welcome you, Mrs. Karlow. Why don't you proceed.

Mrs. KARLOW. I'm delighted to be here. I'm glad to have this chance to talk. We have made a statement for the record and I would hope that you would enter it into the record from the League of Women Voters. You all can read better than I can and I will therefore make my remarks rather informal and pick it up to round off what we have already written.

The League of Women Voters has 150,000 members in all 50 States including Puerto Rico and the Virgin Islands. It has been working on home rule for some 35 years and I hate to admit that I have been in on it for 17 of those years. I have lived in the District of Columbia most of my adult life, starting in the period when we were worried about not getting budgets passed and time to hire school teachers and we went through the struggle to get funding with the Metro system.

I think you all remember the frustrations that came out in these areas. We have lobbied and we have testified. We have written letters for home rule. I moved to St. Louis and it was quite a revelation to find that if we wanted to have parkland, we could pass a bond issue or we could arrange for intergovernmental taxing areas to support activities of interest to a whole area. We could decide ourselves whether or not to elect or have appointed judges and by the way, I think this is a question but it is one that should be locally decided.

Again, from St. Louis, we had many people who were interested in home rule for the District of Columbia and we took part in many national activities to bring the plight of the District's nonvoting residents to the public attention.

We worked with our Congressman. We wrote letters. We signed petitions. I moved back then to the District of Columbia area and again, we find ourselves here testifying.

There has been some change but not enough. I am now living in the immediate District of Columbia area.

We are concerned, we have presented testimony, demonstrated that there is a constituency for change throughout the country. As a matter of fact, in Mr. Adams' own State, in Washington, a resolution memorializing Congress to pass legislation authorizing home rule and voting

representation in Congress was introduced to the Washington State Legislature.

Having presented many facts and testimonies, having heard very many able statements made by witnesses here, we find that we are currently not responding to the concerns that most Congressmen seem to have. We are not getting action and we are concerned that even with presenting all the facts and all the reasoned arguments that somehow we keep coming across, an emotional block and we wonder whether we have the whole reason why Congress seems to be reluctant to get any bill through, let alone worry about some of the differences of detail between the ones that have been presented.

So I think we are going to ask you what we can do to help deal with these concerns, what questions we can answer that we obviously haven't asked and what can we do to assure some sort of passage of a home rule bill, even with the sympathetic committee which we now seem to have, both party platforms being in support of it and with many people saying that we are all for it but not willing to go on the line when the chips are down.

It does seem to me that if this committee recommends and doesn't pass or doesn't recommend or if we don't get action in the home rule field, that we are feeding the fires of those who are very critical of Congress and its ability to do something in response to public pressure. I think it would be a great shame and that we in the league who have really spent our lives, convincing people that we should go through the channels, listen to the reasoned arguments, come to a conclusion, bring it to a vote, will be badly let down if this committee and this Congress doesn't bring this set of hearings to some kind of a meaningful conclusion.

Thank you very much.

[General applause.]

Mr. FRASER. Thank you very much, Mrs. Karlow and Mr. Clark.

I will hold my question for the moment and yield to Mr. Fauntroy.

Mr. FAUNTROY. I simply want to commend both of the witnesses for a very clear and strong argument for self-government and I can ask no questions. You have answered all of them.

Mr. FRASER. Mr. Landgrebe.

Mr. LANDGREBE. Well, I'm sorry I missed part of the testimony. If I can read it kind of quickly and catch up, I will refer only to your page 10 of your four requests: elected local officials, full legislative authority over local officials, budgetary authority, and of course, automatic annual Federal payment, and I will ask you a couple of questions.

What do you envision as we move toward what you call self-determination? Do you envision a State of Columbia or just elected officials under Federal—will this continue to be a Federal city or a retrocession to Maryland or Virginia or a division of the two, or what do you envision as the type of government this city would have?

Mr. CLARK. Well, as I said earlier, we support the position as expressed by our counterpart local organization, the Metropolitan Steering Committee for Self-Determination, we have not focused on any particular bill. We, also as did the Steering Committee, feel that we wanted the benefit of this discussion. We have offered assistance in helping to draft a particular bill.

Our position is, again, that we support the fullest form of self-determination of local self-government that is possible to get through this Congress.

If you're asking me personally, yes, I think I would be in favor of statehood provided that it included adequate financial underpinning for the city and at least some kind of guarantee that the city had a fighting chance to survive.

Last year, as you probably well know, statehood did not—as one proposal—did not have much support in the Congress. As a practical matter, it was unfeasible. Retrocession, on the other hand, we would absolutely reject. We think that the community of Washington has an identity that is unique. We also feel that it would not be, as a practical matter, would not be accepted by Maryland. They have made that relatively clear. We can't find an elected representative from Maryland or Virginia who supports retrocession.

In fact, last year when retrocession legislation was introduced, on that same day, in the Maryland State Legislature, Resolution 36 was introduced which renounced retrocession to say they are not interested in it and would oppose it. You know, to the greatest extent possible, I think that is pretty clear evidence that they don't want it. District residents obviously don't want it.

Mr. LANDGREBE. Well, don't you think that in your great concern for the people of this District and the right of self-determination, don't you think they should have the same rights as the people of all the other States to elect a county commissioner, State representative, State senators? Just all the layers of government that go into what we call the freedom of determination, the right of self-government that the people in the country enjoy?

Shouldn't the people of Washington, if we must go to an elected official system, shouldn't the people of this city have the protection of constables, local police, sheriffs, State police and FBI? Shouldn't these people have the same protection as all the other people, the 200 million or more Americans?

Mr. CLARK. Absolutely.

Mr. LANDGREBE. Well, then how are you going to do it if you—in other words, you propose statehood with the various layers?

Mr. CLARK. No, I didn't propose statehood. I said I think that it is impractical. I would say that, no, I would not be opposed to statehood. I don't think that most residents of the District would be nor would the coalition if it had all the guarantees that the city would be viable.

Unfortunately, having seen that indication—in fact, I have been quite concerned that the almost punitive attitude that has traditionally been taken and some of it has been evidenced in testimony lately toward the District of Columbia—an extension of rights which it should have been given a long time ago.

I am personally disturbed as a District resident, as a taxpayer, that we don't seem to—on the one hand, we are saying yes, we want to make this a model for the world but on the other hand, find thousands of excuses why we can't get on with the business of self-determination. To me, it is just a relatively simple matter and we tend to get hung up on minute details that to my way of thinking could certainly be resolved in the interest of both the Federal interest and local citizens.

Mr. LANDGREBE. The fourth item, automatic Federal payment. Now, this, the city of Washington, D.C., surrounds one of the greatest tourist attractions in the world. I can see many States that would love to have access to the business that these tourist attractions generate.

Don't you feel that if self-determination was permitted, there would be a sufficient increase in efficiency, responsibility to the people—the District levying taxes, income taxes on the people and perhaps some tax on rooms and so forth, a reasonable tax on visitors, that this city could conceivably not only have self-determination but self-support, too?

Why must we talk about an automatic annual Federal payment because you are next door to the—surrounding the greatest tourist attraction, over 20 million people a year now, with expectation of that doubling in a short period of time.

Isn't there some way that this city could actually—maybe it creates those 100,000 on welfare to go to work and maybe sort of become like a self-supporting city?

Mr. CLARK. Yes, I hope that Washington, D.C., would become self-supporting at some time in the future. Unfortunately, or fortunately, the District of Columbia has had a very unique evolution. We have gone from 3,000 residents and 18,000, when we were first incorporated, to 700,000 at the present time, 750,000 plus. The city, in as much as this was the Capital, the business was government. Industry never had an opportunity to develop as did certain other types of business activity.

As is the case with Alaska and Hawaii when they were admitted to the Union, special compensations were made. I think that there is no question about it. The Federal presence is here. There's no way we can move the Federal Government out of Washington.

Therefore, as long as it is there, we have got to take into consideration the services which the local community provides to the Federal Government. We can't tax the Federal Government and I don't think that we would even want to suggest that and what's more, it would be unconstituional. We are suggesting that the Federal Government pay is fair share in terms of the services which are granted it by the local community.

Mr. LANDGREBE. I guess I have no further questions.

Mr. CLARK. I would like to respond to one question I know was raised earlier regarding tourism. I think Congressman Landgrebe, you raised that last week, that there are 20 million tourists coming to Washington annually and that their rights must be protected.

I would say that I fully agree with that but tourism, of course, is not unique to the District of Columbia. Tourism also exists in other States but I think what is even more important is that the tourists themselves, particularly those in the metropolitan area who probably most frequent the District of Columbia, seem to be overwhelmingly in support of self-determination, too.

This was indicated in a recent survey in the Washington Star News, that has also been indicated by testimony, very supportive testimony, by the Council of Governments and I feel that that question is not one that we should be concerned with in terms of whether or not we should extend the rights of citizenship to the District of Columbia.

What's more, the country as a whole from all indications seems to be supportive of local self-government. This was indicated in the Harris poll which I mentioned before; it is also indicated, I think, in the wide diversity of organizations who are members of Self-Determination for D.C., from every State representing every political persuasion.

Mr. FRASER. First, Mrs. Karlow, I want you to know that the position of the League of Women Voters and its work over the years, I think has been one of the most significant forces on the national scene in support of home rule for which I am aware and it represents really, the principal organized constituency as far as home rule and I think this has been enormously important to the effort to get home rule here.

As you know, in past years, it has been difficult to get a bill out of the District of Columbia Committee but the prospects, I think, are substantially improved this year.

I wanted to comment on your statement, Mr. Clark. It seemed to me the point you made that there are almost as many Federal employees employed outside the District of Columbia as in the District indicates that the Federal interest is not confined to the District boundaries and that the Federal interest seems to be adequately protected within Maryland and within Virginia without some—without any difficulty.

I myself have had enormous interest with the so-called Federal interest. I don't understand what people are talking about other than certain very limited interests that the Federal Government has. But I've always assumed the Federal Government represented the American people expressed through elections and a part of America is the District of Columbia and they ought to have the same right but I don't see any inherent conflict, any more than there has been between my own State government, which has a capital and a municipality which contains that State government.

They have never had any substantial difficulties. It has been a very good working relationship and I am mystified by this repeated reference to some vague—what I almost call mythical Federal interest as though that is something beyond and over the powers of ordinary people to comprehend.

I do have, however, some questions along the lines I was asking our friends from the Republican Committee. I dont know if—would you want to try to respond to some of them or should—I notice that the local District of Columbia Home Rule Committee is going to be testifying this morning.

Mr. CLARK. No, we would respond to those that we can respond to. I say, in general, we do support the Metropolitan Steering Committee statement, with respect to the general organization and hoped for functioning in the local government but we would be happy to respond to any questions you have.

Mr. FRASER. I didn't know which hat you wanted to put on.

I am interested, for example, in this question of protecting minority, political representation on an elected body. I have the impression that if you just looked at the two parties in the District, the Democratic Party is so strong that the likelihood of representation from the Republican Party would be very small on a one member District basis.

Is that a concern? Are there ways to deal with that that you have thought about, that you would find acceptable?

Mr. CLARK. Yes, as a matter of fact, I had a discussion with Republican member of City Council about 2 weeks ago on this very matter and he said, well, he wasn't personally concerned about it. He felt that if we had self-determination, that would be a beautiful opportunity for the minority party to organize. It would give them some reason to organize which apparently they don't have now.

Of course, there was a lot of discussion as to how that might be done including nonpartisan elections and several other approaches as well, one of which was mentioned today, like perhaps having more than one representative from a given political jurisdiction. However, as far as—I think that again is most properly a matter for local residents to deal with.

You have heard testimony from the Republican Party and from the Republicans who are part of the self-determination effort, all in support of partisan elections. And I feel that beyond that point, it is not necessarily something that the Congress has to concern itself with.

Mr. FRASER. Well, I wonder if that is true, though?

There is a very great prospect that once we—if we sit here and write the charter for the city, once the distribution of political power has been defined by the electoral system we create, whether one will find a sufficient interest to try to make changes in relation to the problem I am now talking about. In other words, if one party is dominant, very dominant, what interest will they find served by switching to a different electoral system that will increase representation from the minority party?

Mr. CLARK. Well, I appreciate your concerns but again, I think that the overwhelming weight of testimony from local residents has been in support of partisan elections. The existence of—let's say, a dominant party is true many, many places in the country. In fact, there has been a tradition throughout the South but yet nobody is advocating that we revolutionize that system.

I feel that it is something that can be dealt with, you know, in one or two or three ways, if that is a concern. I don't see it coming from local citizens. Therefore, it would be something that the Congress unto itself would have to take up. I see it as being, you know, not as much a substantive question as a political one. It may be involved in deliberations later on.

For example, just as a side comment, I grew up a Republican and I came to the District of Columbia and I'm now registered as a Democrat. That may be evidence of your concern. I think my ideological persuasions changed somewhat but I also had thought about the question of, you know, just the nature of the parties in terms of numbers, in terms of activity.

But again, I say that if we had local self-government, if there were, you know, any kind of viable politics in the city, that the incentive would be much greater for—as the Republican that I mentioned before indicated—for them to organize to try to make Congress. There are a number of people in the District of Columbia who are independents, who are members of the Statehood Party, who I'm sure might turn Republican if given the opportunity.

Mr. FRASER. It has been suggested in a report by the Environmental Protection Agency that there should be some kind of a metropolitan authority established to deal with the problems of water, sewage collection, treatment.

What would your view be of that?

Mr. CLARK. I think there's already been a direction, a movement in that direction through the Coalition of Government to establish some kind of metropolitan regional decisionmaking authority. Unfortunately, at this time, as was pointed out in the testimony, the District of Columbia is not an equal partner in that process. I also say that there is more than just the physical problems to deal with. We should also meet with and be concerned with the social problems in the metropolitan area.

One good case in point is Lorton Reformatory. Mrs. Pennino, following her testimony last week, indicated that it is very difficult for them to resolve that probem even though the Mayor from the District of Columbia has met with Fairfax County officials and they have it within their power, within their grasp to deal with the problem but unfortunately, the District of Columbia has to go back to Congress and talk to them and that is a long drawnout process.

The question here is one of procedural and structural inefficiency as opposed to administrative inefficiency. But I think that here, as elsewhere, that regionalism or metropolitan development is something in the future but in no way should hinder a movement toward local self-government now, because in one way or another, those political jurisdictions will have to be formulated and I am sure that we are not going to do away with Fairfax or Maryland political jurisdictions in order to form a government, that that decisionmaking process would be one that is joined in by partners of equal political authority.

Mr. FRASER. Well, I think you're right. In any kind of a metropolitan agency, the participation by the District of Columbia certainly ought to spring from an elected body so that a home rule arrangement for the District would be more compatible.

Mr. CLARK. I would say a prerequisite.

Mr. FRASER. Well, I would say more compatible than what we have now. We have already a metropolitan operating agency in the field of transit and if we're going to create similar authorities for the water and sewer. it does seem to me that this adds to the weight of the argument for home rule because otherwise, the people who live in the District have no voice through an elective process and the decisions that these agencies make.

Mr. CLARK. I say that with qualification as those representatives kind of serve as administrative representatives and those from the District of Columbia serve as kind of administrative representatives to the Congress. And this isn't what I'm talking about. They really didn't participate as equals in terms of the ultimate decisionmaking authority if it is a question of money or allocation of funds, particularly.

Mr. FRASER. Well, there is some thought to, in addition to providing home rule, attempting to deal with other structural problems, some of which were proposed by the Nelsen Commission and some, for example, by this report of the Environmental Protection Agency so that,

rather than dealing with each thing piecemeal, we could put them together in one bill and hopefully, soon, and move from that point forward to see if we could secure passage. Your principal concern, I gather, would be that these other matters not result in a delay in the home rule part.

Mr. CLARK. Yes, the City Council now can not represent the residents of the District of Columbia as they are not accountable to them. They are accountable to the President and to the Congress and if we are talking about responsive responsible government, there is just no way to bypass the extension of authoriy or delegation of authority from the Congress to local government officials.

Mr. FRASER. Mrs. Karlow, I assume from the point of view of the National League of Women Voters that it is sort of the basic principles of home rule?

Mrs. KARLOW. Yes, we have no detailed position. The District of Columbia league has spoken on the areas in which they have agreement but ours is really for a popularly elected, locally elected government and we have its position on some of the finer points which the coalition has worked up.

Mr. FRASER. Fine.

I would like to suggest that maybe the majority or minority counsel, if they are willing to hold questions, so we can get onto the next witnesses?

Or do you want to——

Mr. DEPUY. That's fine, Mr. Chairman.

Mr. HOGAN. Could I just ask one question, Mr. Chairman?

Mr. FRASER. Sure.

Mr. HOGAN. You indicated in your statement—incidentally, Congressman Nelsen could not be here, he regrets that he could not be here. I am sure he would praise you for your responses—on page 7 of your statement, Mr. Clark, you indicate that the civilian employment in the District and in the surrounding suburbs is something in the line of 192,000 to 124,000. I assume this doesn't take into account the proposed or imminent transfer of the Geological Survey out to Reston, is that correct?

I assume not.

Mr. CLARK. No, this is a report from 1970 which is the most recent one I could find. It's late 1970.

Mr. HOGAN. So that in the Nelsen Commission, there was an evident change, it appeared, in the—where the Federal Government was located and by that I mean its buildings and its employees. I assume that both of you have addressed this problem in a sense.

What do you picture the future of the District of Columbia to be? Would you want to see it concentrated in Federal employment and Federal activities or would you rather see it have—lets' say, Richmond is, or the capital of some the States, such as perhaps St. Paul in Minnesota. Either one you could——

Mr. CLARK. Well, as far as the question of relocation, I think the District's position has been pretty firm on that and that is that they would like to see the Government to every extent possible remain in the District of Columbia because this is the industrial base for the entire city. This is the industry the city must survive on. This is the way it is involved.

Mr. HOGAN. Would that be your position, as an advocate of a particular piece of legislation?

Mr. CLARK. I think we ought to have some kind of relocation policy. Certainly, I would not like to see the Government relocate to the suburbs without making adequate provision for, you know, the loss in either tax base, that is, the Federal payment, or without making some kind of commensurate adjustment to make up the difference for the jobs and income that would be lost. This can be done in a number of ways. It's just a question that you just relocate and they say no housing, for example, in the suburbs for the people that would be displaced.

If the jobs are not guaranteed when they are going at relocation, if there is any loss due to whatever cost, that then this burden certainly falls back on the District of Columbia, either in the form of welfare or increased welfare payments or whatever. And I think that the Federal Government can't turn its back on its responsibility to this city as a result of its presence here, judicially and just the evolution of the city——

Mr. HOGAN. But you're talking about the Federal presence, is that correct? The Federal presence in the sense of its employees and its buildings and that kind of thing?

What you are saying as I understand it is that you want to see the Federal presence remain in the sense of employees, buildings, what have you? Is that not correct, or am I mistaken?

Mr. CLARK. No, I'm saying if it is to move, that some kind of compensation be made for the hardship, for any hardship that the District would have to bear as a result of that relocation.

Mr. HOGAN. In other words, you would want the Federal payment increased or something, for that?

Mr. CLARK. No, it's not just a question of Federal payment. I think there are many other problems that arise as a result of any relocation. In 1969, for example, the proposed relocation of the Government Printing Office raised a whole host of questions and potential problems. Fortunately, they didn't have to be dealt with because it stayed here, but I mean it's more than just a question of Federal payment.

Mr. HOGAN. But, if we went back to about 1948, and I don't know whether—I assume the statistics are available, there were probably, relatively speaking, very few Federal employees or Federal buildings that—such as the Atomic Energy Commission, located in the suburbs, would you not agree?

So what we have seen, apparently, that's what we found in the Nelsen Commission report, is that the Federal presence in the city is becoming much more metropolitan in character and while, you can argue that this may tend to conclude in favor of expanded self-government, doesn't it at the same time raise some questions about exactly what kind of city you are going to have here?

In other words, can you keep the Federal presence here? Is that the kind of city you would want in the future? Do you follow me?

Mr. CLARK. Yes.

Mr. HOGAN. In other words, I think that in fairness to the Congress, when you are addressing the question of home rule, one of the questions they have to answer for themselves when they take this matter up presumably on the floor, is this to be a Federal City, not just a mon-

umental area, but is this—is the primary industry here, is the primary function here in the District of Columbia to be Federal office buildings, Federal employees and that type of thing?

Now, we are seeing if the Nelsen Commission's conclusions are correct, we're seeing an erosion of that kind of thing and the question I would ask is if you were to have expanded self-government, home rule, here, what would be your position? Would you like to see that reversed?

Would you like to see the Federal presence in terms of employees and buildings back in the District of Columbia so that continues to be the main business, as it were, within the District of Columbia?

Mr. CLARK. I think the unique character of the District of Columbia is involved as a result of the Federal Government's presence here, it's operations here with respect to its implications for the future. I think that is something that the Congress is going to make a determination about. I would hope that they would look to city residents to get their feelings and sentiments about that.

As far as the fiscal underpinning of the city, the Metropolitan recommendation in regard to the Steering Committee indicated that there would be a review process. I think the suggestion was for 5 years and that was to look at the changing nature of the city and of its needs, to see whether adjustments should be made in that Federal payment and this did not state whether it would be upward or downward, depending on how it evolves.

I think the question of relocation policy is part and parcel of, you know, planning for the future of the city but certainly is not anything that should hang us up. As to how quickly we extend self-determination to the local community——

Mr. HOGAN. Just one further question, if I may pursue this, the question was asked about the Federal interest in the course of the Nelsen Commission hearings and Congressman Nelsen vigorously pursued the increase in the Federal payment from $150 million to approximately $190 million, which is what it is now.

I wonder if you would agree that the Federal interest to a large extent isn't attached to the Federal payment? Doesn't perhaps the Federal interest follow the Federal payment or appropriations for the District government?

Mr. CLARK. Yes, if I understand your question, there's no doubt about it, it seems to have done that traditionally. Of course, we're going from a time in the Federal District when the Federal payment was 50 percent of the District revenues. That's when we first started and it has vacillated between, I guess, 50 percent and 12 percent, or whatever the figures, somewhere in that neighborhood but this has been an adjustment that is made to the growth and the changing nature of the city. It is not always something that we can in 1973 determine what is going to happen in 1980, because there are a lot of extraneous factors, including the one—or contingent factors—including the one that you raised, about just what is going to be the location and/or relocation policy of the Federal Government.

That debate unto itself has been going on for a number of years and I think it was touched on in 1963, in a proposed 2000-year plan, as I remember.

It was discussed and brought up and laid to rest. It has been reopened five or six times and I still don't know if there's been any resolution. In fact, I'm sure there hasn't been.

Mr. HOGAN. No further questions, Mr. Chairman.

Mr. FRASER. Mr. Fauntroy?

Mr. FAUNTROY. I am exhausted, Mr. Chairman. I will not ask the questions, rhetorical questions that I had intended at this time.

Mr. FRASER. Thank you both very much for your excellent testimony. You didn't read in either case your full statements but those will appear in full in the record.

Mr. CLARK. Thank you.

Mr. FRASER. Our next witnesses are Connie Fortune, president of the Washington Home Rule Committee, and Craig Bamberger, legislative chairman of the District of Columbia Home Rule Committee.

STATEMENT OF CONNIE FORTUNE, CHAIRMAN, WASHINGTON HOME RULE COMMITTEE, ACCOMPANIED BY CRAIG S. BAMBERGER, LEGISLATIVE CHAIRMAN

Mrs. FORTUNE. Mr. Chairman and members of the committee, I am Connie Fortune, chairman of the Washington Home Rule Committee, and I have with me today Craig Bamberger, our legislative chairman. I have submitted for the record a prepared statement but I do not propose to read it. Instead, I intend to limit myself to a discussion of the principal points developed in detail in the prepared statement.

Mr. FRASER. Without objection, we will have your prepared statement appear in the record.

[The information referred to follows:]

STATEMENT OF MRS. CONNIE FORTUNE, CHAIRMAN, WASHINGTON HOME RULE COMMITTEE

Mr. Chairman and Members of the Committee, I am Mrs. Connie Fortune, Chairman of the Wahsington Home Rule Committee. With me is Mr. Craig S. Bamberger, our Legislative Chairman. We are grateful to the Committee for this opportunity to testify in support of home rule for the District of Columbia.

By way of background, let me explain that the Washington Home Rule Committee came into being in 1947, and since that time has been in the forefront of the effort to gain self-government for the District's citizens. We consist of approximately 400 members, and have an elected Board of Directors of some 100 persons, including many of the city's best known residents. Attached to my written statement is a list of the members of the Executive Committee of our Board of Directors.

The Washington Home Rule Committee is a partner in the metropolitan coalition of Self-Determination for D.C., and a number of our members are active in the various organizations which make up the coalition. However, we differ in nature from Self-Determination for D.C. in that it is a coalition of local organizations, while we are a body of individual citizens concerned over the denial of basic suffrage rights to our fellow citizens and to ourselves.

Mr. Chairman, the moral and philosophical justifications for home rule have been stated to the Congress so often that there is something rather poignant about having to appear before this Committee to repeat them. As you know, commencing in 1802 the District of Columbia was entitled to elect its own city council, and from 1820 until 1871 it chose its entire local government. This right was severely diluted in 1871, and denied altogether in 1874, on grounds which President Nixon has characterized as "either factually shaky or morally doubtful." Since that time over fifty home rule bills have been placed before biennial sessions of the Congress. In seven Congresses since then—the 81st, 82d, 84th, 85th, 86th, 89th

and 92d—the Senate has passed self-government legislation for the District, only to have it fail of approval in the House.

Hearings on home rule have been held by this Committee in each of the last six Congresses. Many times, the Congress has heard regurgitated James Madison's famous assurance, in the Federalist Papers (No. 43), that the political rights of citizens of a Federal District would be amply protected "as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them." Time and again witnesses have appeared here to invoke the Spirit of '76, or to compare our population and the taxes we pay with those of the States of the Union. Old King Sisyphis, condemned to roll a stone uphill only to have it roll back down whenever he neared the top of the hill, can hardly have repeated himself much more than we.

Once again, as the Bicentennial year approaches, the people of the District of Columbia find themselves before the Congress as supplicants, petitioning for the restoration of rights of a kind once thought to be inalienable. The metropolitan coalition of Self-Determination for D.C., after a studious and careful analysis, has proposed a specific, viable, governmental framework which the Washington Home Rule Committee endorses in principle and commends to the attention of this Committee. But it has been our painful experience that the formulation of sound plans for self-government, and the invocation of notions of plain justice, are not sufficient to assure that the rock will not come rolling right back down to the bottom of the hill again.

Something has been missing, Mr. Chairman, from these and all past home rule discussions which I can recall, and that missing factor is well illustrated by the happenings with respect to home rule legislation in the last Congress. It will be recalled that in April 1971 the Senate Committee on the District of Columbia held hearings on self-government for D.C., and in October of that year it reported out a home rule bill, S. 2652, which quickly passed the Senate by a wide margin. Next, hearings were held by this Committee during February, March and April of 1972. Then, late in the summer of 1972, well over a year after the legislative process began, and while home rule supporters were valiantly struggling to report a bill our of this Committee before the 92d Congress came to a close, the Justice Department quietly began to oppose certain provisions of the Senate-passed bill pertaining to the judicial institutions of the District of Columbia. It appears that this intervention by the Justice Department at the eleventh hour may have contributed to this Committee's failure to report a bill. Had the Department's views been stated publicly at an earlier stage, it is possible that a bill alleviating its concern could have been drafted in time for enactment in the last Congress. Thus in testimony before this Committee on April 3, the metropolitan coalition endeavored to accommodate this concern by proposing that except for a new system by which judges would be appointed, no changes should be made in the District's judicial institutions at this time.

The point is this: unless those Members of both the Legislative and the Executive Branch who have specific doubts or reservations about granting full home rule to the District will come forward and articulate them, so that they can be considered on the merits and adjustments made as appropriate, there will be a very heavy, and entirely unfair, burden placed upon this Committee when the time comes to write a bill. It is the participation of such persons in a helpful, problem-solving manner, that has been missing. And if it is not forthcoming early on, we cannot escape the apprehension that as in the last Congress, some completely unforeseen obstruction may appear just as our heavy stone is pushed to the crest of the hill, and down it will tumble.

There can be no justification whatsoever for permitting this to happen. We therefore call upon not merely the most devoted supporters of home rule, but also those many well-intentioned people in Congress and in the Administration who may nonetheless harbor some doubt or reservation, to come forward *now* and engage in a constructive, solution-seeking dialogue about those precise issues which concern them—and to do so *now*, or forever hold their peace.

We are confident that if such a dialogue took place, the pitfalls of the past could be avoided. After all, while there are a few persons who have been candid enough to make known their opposition to home rule, they cannot be regarded as numerous. And the issue clearly is a nonpartisan one: both the Democratic and the Republican Party Platforms in 1972 advocated D.C. self-government.

In 1969, President Nixon said that he had supported home rule for D.C. "for more than 20 years." And on another occasion he correctly observed that "for

years there has been broad support for granting the people of Washington, D.C. . . . the right to conduct their public business themselves." With such broad support, it is inconceivable that a satisfactory home rule bill cannot be drafted. The question is not whether self-government should be granted the District; it is rather the form which a home rule charter should take. And that question could be better answered if the views of all elements of the Congress, and of the Administration, were made known now and not at some time later when their effect inevitably will be an obstructionist one.

No home rule charter will be perfect. The enabling legislation of the cities has not been, nor have been the constitutions of the States, and even the U.S. Constitution has not been immune from change. Many of the technical issues involved in transferring power over local affairs to a local government are highly complex, and we know that we shall have to feel our way. Quite possibly, with even the most craftsmanlike legislation, it will be necessary to return to the Congress for improvements or corrections in our enabling statute. And no one should be under the illusion that a restoration of suffrage rights will be a panacea for urban problems that plague local and State governments across this country.

But surely there can be no doubt that the gradual broadening of the District's electoral experience over nearly two decades has adequately prepared us to rule ourselves. It was in 1955 that Congress provided for the election of local officers of the major political parties. In 1961, within ten months after Congressional approval, the Twenty-Third Amendment to the U.S. Constitution was ratified, giving the District a vote in the Electoral College. In 1968 Congress passed legislation permitting election of a local school board. And in 1970 D.C. was granted a non-voting Delegate in the House of Representatives. With each step our citizenry has regained political maturity, and it is time for the next logical step, to full self-government, to occur. And if our home rule legislation is carefully drawn—allowing, for example, for salaries substantial enough to attract men and women of high caliber to run for full-time elective positions—then there is every reason to think that the District will be as able to govern itself as any other local political entity in this country.

We are quite cognizant of the need, while taking that next step, to fully protect the Federal interest in what is, after all, our National Capital just as much as it is anyone else's. The metropolitan coalition's home rule proposals recognize this Federal interest, and contemplate a continuing special relationship. Specifically, the coalition's recommendations to this Committee on April 3 indicate at least nine proposed or possible focal points of some form of Federal involvement in addition to the general oversight function which the Congress and Executive Branch would continue to perform: (1) responsibility for Federally-owned buildings, lands and monuments in the District; (2) responsibility for the diplomatic community; (3) responsibility for the operation of the Federal Government within D.C.; (4) a possible Congressional veto power over District of Columbia enactments; (5) a possible mechanism for resolution of conflicts between local and Federal functions; (6) the structuring of the Federal planning functions of the National Capital Planning Commission; (7) possible Federal participation in D.C.'s Judicial Selection Committee; (8) Congressional review of the automatic Federal payment at the end of five years (and possibly, in the interim, Congressional analysis of particular services rendered to the Federal Government to ascertain whether they can be broken out of the Federal payment and charged for as "user fees," under separate contracts); and (9) a possible mechanism for Federal reimbursement of District expenses incurred on request or by actions of the Federal Government. It will be seen, then, that a Federal role will continue after home rule is granted, but one proportionate to the Federal interest.

President Nixon has said:

"The Federal Government bears a major responsibility for the welfare of our Capital's citizens in general. It owns much of the District's land and employs many of its citizens. It depends on the services of local government. *The condition of our Capital city is a sign of the condition of our nation*—and is certainly taken as such by visitors, from all the states of the Union, and from around the globe.

"*However, this Federal responsibility does not require Federal rule.*" [Emphasis added.]

Indeed, the logic of this expression of the Federal interest suggests that the Federal responsibility not only does not require Federal rule, but that it pre-

cludes it. For the present "condition of our Capitol city" is the condition of being this nation's "Last Colony"—is a condition of disenfranchisement—and *that* is a "sign of the condition of our nation" which this democracy can ill afford to be judged by.

Mrs. FORTUNE. The Washington Home Rule Committee is a partner in the Metropolitan Coalition for Self-Determination Home Rule for D.C. A number of our members are active in the various organizations which make up the coalition.

However, we differ in nature from Self-Determination for D.C. in that it is a coalition of local organizations while we are a body of individual citizens concerned over denial of basic sufferage rights to our fellow citizens and to ourselves. The Washington Home Rule Committee has been campaigning for self-government for the District since 1947. Only recently, one of our members recalled that he went on his first home rule March some 45 years ago and that prompted another member to say that he had written his college thesis on home rule way back in 1929 yet here we are again still trying.

Can Sisyphus, in the Greek legend, who was condemned to roll a stone uphill only to have it roll back down whenever he made it to the top of the hill, can hardly have repeated himself much more than we. Why, after all the hearings and bills don't we have home rule?

We don't pretend to know all the answers to that question but we do want to suggest a partial answer. Part of the answer is that something has been missing from these and from our past home rule discussions which I can recall. That missing something is very well illustrated by what happened to home rule legislation in the last Congress.

You will remember that in April of 1971, the Senate District Committee had home rule hearings, and in October of that year, it reported out a bill as S. 2562, which quickly passed the Senate by a big margin.

Next, this committee held home rule hearings in February, March, and April of 1972, as the 92d Congress was drawing to a close, home rule supporters were trying hard to report a bill out of this committee. But then, late in the summer, the Justice Department quietly began to oppose certain provisions of the Senate-passed bill concerning the local judiciary, and it appears that this last-minute intervention by the Justice Department, well over a year after the legislative process on the Hill began was at least partly responsible for the committee's failure to report out a bill.

Now, as to the specific reason for the Justice Department concern, the Metropolitan Coalition for Self-Determination for D.C. in its testimony on April 3 has set to accommodate the Justice Department by proposing that, except for the instigation of a so-called Missouri plan technique for selecting judges, there will be no change of the judicial system of District of Columbia for the time being.

But our point is that had the Justice Department's views have been stated publicly, at an earlier stage, it is possible that a bill alleviating this concern could have been drafted in time for enactment in the last Congress.

We bring this up now only so that the mistakes of the past will not be repeated in the future. Mr. Chairman, unless those Members of both the Congress and the administration who have specific doubts or reservations about granting full home rule to the District come

forward and articulate them so that they can be considered on their merits, and adjustments made as appropriate, a very heavy and entirely unfair burden is placed on any committee drafting home rule legislation.

To get around to a direct answer to the question that I put earlier, one reason we don't have home rule is that by and large, the participation of such persons at an early stage of the legislative process in a hopeful problem-solving manner, has been missing.

That makes us worry that just as that heavy stone of ours is pushed to the crest of a hill, some new obstruction may suddenly materialize and down that old rock will tumble. We don't want to see this happen again.

This committee has before it a number of recommendations as to a framework for a local government, which could have delegated to it the full powers of local self-government. These recommendations are carefully and studiously developed by the Metropolitan Coalition for Self-Determination for D.C., and the Washington Home Rule Committee endorses them.

We ask, Mr. Chairman, that this committee call on those well-intentioned people in Congress and in the administration, who may harbor some doubt or reservation about home rule, to come forward now and engage in a constructive solution seeking dialog about these recommendations, and about those precise issues which concern them, and let them do so now, or forever hold their peace.

No home rule charter can be perfect. We should draft the best we can, but we know that our new local government will at first have to feel its way. It may be necessary to return to Congress for improvements or corrections in our enabling legislation.

But now is the time to start. Surely there can be no doubt that the gradual broadening of the District's electoral experiences over nearly two decades has prepared us to rule ourselves as well as any State or local government.

Finally, we want to stress to this committee that we are fully aware of the need to govern ourselves in a manner consistent with the Federal interest in this city. The metropolitan coalition's home rule proposals recognize the significance of the Federal interest, and contemplate a continuing special relationship.

In my prepared statement, I have noted some nine proposed or possible focal points of some form of Federal involvements, contemplated by the coalition's testimony, over and above the general oversight functions which the Congress and executive branch would, of course, continue to perform.

But the Federal role ought to be proportionate to the Federal interest. President Nixon has said that the Federal Government bears a major responsibility for the welfare of our Capital's citizens in general.

It owns much of the District's land, and employs many of its citizens. It depends on the services of local government, The condition of our Capital City, is a sign of the condition of our Nation, and is certainly taken as such by visitors from all over the States—from all of the States of the Union and from around the globe.

However, this Federal responsibility does not require Federal rule.

Mr. Chairman, the logic of the President's expression of the Federal interest suggests that the Federal responsibility not only does not require Federal rule, but that it precludes it. For the present condition of our Capital City is the condition of being this Nation's last colony, it is a condition of disenfranchisement, and that is a sign of the condition of our Nation which this democracy can ill afford to be judged by.

Thank you.

Mr. FRASER. Thank you very much.

[General applause.]

Mr. FRASER. Mr. Bamberger, did you have a statement?

Mr. BAMBERGER. No, sir, I don't.

Mr. FRASER. You are just prepared to respond to questions?

Ms. FORTUNE. We are prepared to respond to questions.

Mr. FRASER. All right.

Mr. Landgrebe?

Mr. LANDGREBE. I would just ask the lady what she thinks is most important: if we adopt some form of home rule, for 1976, even though it might be a bad job; or would it be better to continue the progress we have made in—toward home rule over a period of time, developing and working out the problems as best we can.

In other words, there seems to be an urgency toward having to meet a date here, and I don't know—what is the development of the conditions in this city, the quality of life that makes it so urgent that we try to meet a time.

Particularly, with most of you people coming in without a pattern or a program in front of you, you say, we want home rule, we want to be sure of a constant or increasing Federal payment.

But what is the real urgency, in view of the fact that we are making progress and have moved toward home rule, and by Mr. Fauntroy's presence here indicates that it has—there has been progress made.

Mrs. FORTUNE. I am not sure I exactly understand your question, but I will respond and say that we have been asking for home rule for the District of Columbia over the years, and I can't see that asking for it now is going to speed anything up. I suppose you were referring to my statement. the statement in—the statement that we had in the record, inserted in the record, the fact that we will be celebrating our bicentennial, and here we are, the citizens of the District of Columbia, what do we have to celebrate?

We are citizens too, we are taxpayers. We are law-abiding citizens, so we need to celebrate with the other citizens in the country our freedom.

[General applause.]

Mr. LANDGREBE. Well, I am somewhat of a conservative, and I think that we do enjoy a great deal of freedom in our country, and we enjoy a lot of freedom in the District of Columbia, and I feel that as we move along, we should make sure that improvements are made, and we don't launch out into a situation that might end up taking away some of the freedoms that we really cherish.

Mr. BAMBERGER. I wonder if I might ask the Congressman one question?

Mr. LANDGREBE. You may.

Mr. BAMBERGER. You have suggested that perhaps we should have posed some kind of a pattern for home rule. Of course, we have en-

dorsed the metropolitan coalition's specific proposed pattern, but in light of that possible criticism, if I may construe it that way, I wonder in light of the progress that you think has been made in hearings in past years, in light of the hearings that have been held in the past six Congresses on home rule, what specific pattern for a local home rule government you would propose?

Mr. LANDGREBE. Well, I guess at this time I would say, I am proposing the status quo, the laws that we have, the constutional requirements, in consideration of the proximity of the District of Columbia, and even more the mixture of the Federal City and Federal interest in the city, taking into consideration the fact that the city has a tremendous tourist trade, the city has more money in Federal grants than the State of Indiana and the quality of life that exists here, and the overwhelming amount of representation you people have through the 100 Members in the Senate, and the 435 Congressmen who have offices right here in the heart of the city.

We turn nobody away from our office. You are probably the most overrepresented people in the whole world, and as we move away from this, I think we should take great caution, and we should—the safety the prosperity, the joys and opportunities of people are not only protected but improved.

So I have not written my plan either, for a specific transfer from what we call this lost colony to the new State of Columbia.

But I think that the trail—I will tell you right now, in my opinion, and not only because I am one member on the committee that is kind of asking questions about this, but because the people in the country, while there are different groups representing groups here, I think the people of America are going to insist that we take very cautious action, that we make progress while, we don't just blindly make changes that could be very harmful to—not only to America, but to the people of the city.

Mr. FRASER. I am going to ask Mr. Fauntroy to take over the Chair at this point.

We have got a quorum call on.

Mr. FAUNTROY. As I do, I want to apologize to Mr. Landgrebe for the people of the city. It is too bad he just left. He says that we are overrepresented.

But this is income-tax day, and we are so enthusiastic and clapping for pro-home rule statements here, because today we paid about $900 million in Federal taxes, and we don't have a single vote on what the Federal Government does with our taxes, and I am so sorry Mr. Landgrebe missed that statement. I hope he reads it; and also reads that if he will return the $900 million to us, we will have—we will be very pleased to release the Federal payments, and make it with 80 percent of the budget that we now pay in the District for the delivery of the services to all the residents and businesses within the city.

I just want to thank you for the quality of your testimony and your patience in not responding to some of the misguided statements about the character and quality of life in this last colony.

Counsel, do you have questions?

Mr. DEPUY. Mr. Chairman, I have just learned that we must be out of here at 12:30, so I wonder if we might have counsel submit ques-

tions and perhaps you might want to give Mr. Hahn the chance to——

Mr. FAUNTROY. My ruling is that counsel will ask no further questions.

We will hear from Mr. Gilbert Hahn, thank you.

Mr. HAHN. Mr. Fauntroy, it is a pleasure to appear before your committee.

I have my statement in writing, which I will be pleased to submit, and ask that it be made part of the proceedings without my reading it.

Mr. FAUNTROY. Thank you.

Without objection, that will be done.

[The statement referred to follows:]

PREPARED STATEMENT OF GILBERT HAHN, JR.

Gentlemen, I am pleased to be able to be here today as a witness on the matter of the future form of the city government, and to share with you the views that I formed while Chairman of the City Council.

The first thing that I believe should be recognized is that Reorganization Plan Number 3, which established the Mayor-Council Government is a success. It has more than done its job of revitalizing the city government. Specifically, I want to focus on the role of the Council.

The Council has demonstrated that it can operate as an equal and independent legislative body in relation to the Mayor, like the Congress in relationship to the President and the executive agencies.

The Council has become not only the major legislator for the District but also the major investigator of city policies, practices and procedures.

Taking these in turn, Congress established the District as a municipal corporation and the reorganization plan delegated to the Council the exercise of the police power of the corporation. Under the old form of government this power was not used. But under the Council, particularly during the past four years, the power has been relied on extensively.

Through the exercise of these powers, we were actually able to relieve the Congress of the necessity for much legislation and to act with more flexibility in the making of major policy than is possible from the Congressional level.

The Council, for example, acting under its police powers has passed a $5.00 a ton tax which raised $2,000,000 for the City, ordered the closing of Junior Village, and stopped free City employee parking. It has legislated in the field of landlord and tenant relations; it has acted to protect the consumer, regulate moving companies, and in general govern the city with respect to welfare, environmental, public safety and transportation problems.

Secondly, the Council has held an almost countless number of investigative hearings on matters of public concern. We did the first thorough analysis of the planning of the city's solid waste disposal problem, which among other things, lead to the cancellation of the proposed bailing and barging system—a savings of some $7 million. The Council has investigated the operations of D. C. Transit, and I believe its leadership aided substantially in bringing about the public takeover of the company. We investigated health services in the city and recommended many changes which the Mayor has incorporated into city policy.

And, of course, the Council has held almost continuous review of the operation of the overall taxing and spending of the city.

In short, it has been successfully demonstrated that there is now available to the Government of the District of Columbia sufficient authority to act on most of the day to day issues.

I have set out what the Council's powers are in order to dispel an unfortunate myth, that ours is a government which lacks the power to govern.

I believe very strongly that most people in the city are unwilling to accept less than absolute powers of government because of the historic performance of the city government. That government under the commissioners did not act in the public interest. Instead the government acted as if it were simply a corporation protecting its own rights and nothing more. It developed and indeed nourished a position of impotence. Congress was asked by that government to do most anything of importance whether or not the city had the power to do it for itself.

This all leads up to this conclusion: I support the bill giving to the City Government the largest independent set of powers that can be passed. However, I would not want any further delay in Home Rule in order to argue over the final form of those powers—even if this meant that the Congress did nothing more than simply authorize electing the Mayor and Council.

That is why I have explained, at length, my view, that the Mayor and Council can govern now, without the grant of a single additional power. This is not my preference, but it is what I would support, if no early agreement can be reached on the details of the form of government.

Election of the Mayor and Council should not be seen as a token gesture toward full self-government, because the powers of the city government today are not token powers.

All of this is not to say however that the committee should simply report out a bill for election of the Mayor and Council. I believe that you have a duty to the people to grant as strong a bill as possible.

We should have the power to alter the size, composition and selection of the legislative body.

We should have the power to set our own budget priorities.

We should have the ability to determine the physical and economic growth patterns of the city.

We should have the responsibility of raising taxes.

We should have the full power to regulate utilities, insurance companies, and other such matters of strictly local concern.

We do not have these powers and the committee would be well advised to understand that these additional powers would make the city government even more effective.

What I am saying then is simply this. The committee should recommend to the full House the strongest bill which has the best chance of passage. But the committee should not delay the matter any longer than necessary over the question of the power of the city government. If they can be increased that is well and good. What is of the greatest importance is that the current undemocratic nature of the government be altered, and as soon as possible. "Governments derive their just powers from the consent of the governed." Our government has no such mechanism.

In drafting a bill for the election of the mayor and the council, there are several other lessons that my experience has taught me that are essential to the operation of a good council.

First, there is a matter of party. I think that it is essential that the Council and Mayor be elected on a partisan basis. I believe most strongly in the two party system, and its ability to hold the party in power accountable for its actions.

At the present time, Reorganization Plan Number 3 requires that no more than six members of one party may be on the Council at any one time. This has also worked well in that policy-making in the Council has been bipartisan.

The Council members also, since they are appointed, have become representatives at large of the city and have concentrated on issues irrespective of geographic location. These elements of the Council should be preserved: partisan representation, limitation of the number of seats any party can hold, and representation of the city as a whole.

A simple plan would allow all of these elements to continue. The nine members of the Council would all run at large, but each of the city's political parties would be allowed to nominate no more than six persons. Thus, the voters could vote for nine and would have to select three persons or more from among independents or the minor party.

The effect on the Mayor Council government would I think be excellent. The major party with six members would have normal working majority but in the case of overriding vetoes, etc. would have to seek votes from the remaining members of the Council. This is a political protection which would mean that policy making in the city would ultimately have to be bipartisan.

No party has a monopoly of talent, yet I believe that party rule and responsibility are important. This plan where each party nominates six and the people vote for nine would blend all of these needed elements into the city government.

I think that it would be wrong to elect the city council on the same ward basis as the school board members: this might create unnecessary political friction in the community that would serve no useful ends.

I would like to turn now to the problem of money.

As long as the federal government provides up to half of, if not in excess of, the funds that operate the city government, it is going to be impossible to reduce the matter to an equitable formula.

I strongly agree with the Nelsen Committee recommendation that what is needed is not so much a formula as there is needed certainty with respect to the federal payment. If the Congress continues to authorize a federal payment one fiscal year in advance of the city budget, the element of uncertainty is removed. There will always be differences of opinion over the adequacy of the amount involved but at least there will be the certainty of receiving a set amount. With that certainty, the city can then move ahead to prepare a responsible budget document.

In summary, I call upon this committee to do the following:

1. I support a strong bill but recognize that the city government has adequate powers—not ideal, but adequate—to govern and proceed directly with the election of the Mayor and Council if the Committee cannot agree on a stronger bill promptly.
2. Insure that the city council is elected at large within a party structure that guarantees minority party representation.
3. Insure that the federal payment to the City is set one fiscal year in advance of the budget.

STATEMENT OF GILBERT HAHN, JR., FORMER CHAIRMAN, DISTRICT OF COLUMBIA CITY COUNCIL

Mr. HAHN. I would make, I think, three points. One is that I am in favor of the strongest possible bill that the committee can report out this spring.

It concerns me that there are so many different directions in which the hearings are going, so many competing forms of local elected self-government, that I fear that by that vary reason, home rule will be further delayed. That is why, in my testimony, I have called attention to the fact that the Mayor and Council, as they are presently constituted, can and do govern very well, and that the committee might well be prepared with a bill that would do no more than provide for the election of the Mayor and the Council, if the complications of the committee's proceedings made that the only way in which we could make progress on Home Rule this year.

Second, with respect to the form of the Council itself, I would propose that their number be nine, that they be elected on a partisan basis, and that a provision be made that no more than six from any one party should be elected to the Council.

Third, with respect to the money, which I think is the single most difficult issue before this committee, I would say that none of the formulas that are presently proposed would provide large enough contribution to the city, and, therefore, I would support the basic provision of the Nelsen Commission, which is that the most important point is that the authorization for payment be made a year ahead of time.

Experience tells us that taking into account the categorical Federal grants, the Federal payment and the capital budget, more than half of the city's budget is going to be provided by the Federal Government, and I wouldn't wish to see anything take place that would keep this from happening.

Also, I do not see within the revenue that is available to the city, how that is going to change substantially over the coming years.

Mr. Chairman, those are the points to which I would call your attention.

Mr. FAUNTROY. Thank you so very much, Mr. Hahn, for that testimony.

I think I have a couple of questions. You suggest that the many discussions of forms of self-government may confuse the issue.

I can appreciate your concern, but I assure you that at least the members of the committee are aware of the number of side issues that have historically been injected into the question, like retrocession, and in the last Congress, statehood, to try to shift the focus from the essential issue and we will, I think, be able to handle that.

But I am concerned about your suggestion that the present City Council-Mayor form of government has sufficient powers now to justify, in the last analysis, a simple election of those persons to serve in that function. I, of course, disagree with that.

I just left rent control hearings on a bill that I have introduced.

Mr. HAHN. I am sorry—the noise—I missed part of what you said, Mr. Chairman.

Mr. FAUNTROY. Yes.

I said, I do not agree with the suggestion that the city, present city government, has only token powers. I recall just this week, as I said, as I prepared for our subcommittee hearings on the rent control measure, that the City Council cannot impose rent controls as were the people elected, for example, in Montgomery County, who have in fact protected their citizens pursuant to their will, through that means.

Mr. HAHN. Could I respond to that?

Mr. FAUNTROY. Well, yes, respond to three.

The courts, I think have ruled that the City Council cannot enact criminal legislation.

Mr. HAHN. Well, with respect to the rent control legislation, it is my opinion and has been my opinion, that the City Council could indeed enact a rent control legislation, and has this power all along.

I have spelled this out before, and will, in a short time, spell this out again.

Equally, the Congress, of course, has the power and if the Congress acts in this area, which it has not yet done, then, of course, the city government would be ousted in power. But under the delegation of police powers, under which the police powers, under article 1, section 8, have been delegated to the City Council, they have as much power in these areas as the Congress does, provided the Congress does not act and provided it does not forbid the City Council from acting.

Mr. FAUNTROY. So that you would suggest that the City Council failed to move on this question out of ignorance of the powers that had been delegated to them?

Mr. HAHN. During the time that I was on the Council, we considered this and did not act on it because we did not think it appropriate. During the time since I have not been on the Council, when I think it would be appropriate for the Council to act, I think they will have to answer that question themselves.

Mr. FAUNTROY. Well, I certainly hope you speak to your colleague Mr. Nevius, because he is under the impression that he is as powerless as I think he is on these questions.

Mr. HAHN. Well, if he says that, I cannot dispute him.

Mr. FAUNTROY. How about the power to impose taxes, for example?

Mr. HAHN. Well, yes, sir. There is no question about the fact that powers to impose all taxes, except for the real estate tax, are not in the District government and, of course, ought to be. That is one of the things that can be added.

But these are the points I make. First of all, I call attention to the fact that the Council can and has expanded its power to pass taxes. We have passed a tax that would put a $5 a ton tax on the disposition of solid waste that added $3 million the past year to the city revenue. One reading was passed of a parking tax that could have raised up to $35 million a year, had the current City Council wished to go forward with that.

At the same time, the City Council of the District of Columbia, as it is presently constituted, has powers that are quite similar to city councils in most of the cities in the country. New York City is a case in point. Most of the important tax-raising measures have to be done by their State legislature in Albany, just as we have to have it done by you through our State legislature for the District of Columbia.

A well-formed home rule bill would transfer those powers. Nevertheless, if the members of the committee could not come to an agreement over just what tax powers ought to be passed, I would hate to see the city wait to make a beginning, and that is why I suggest that while it is not the most desirable result, that it is not impossible for the city to govern. Quite the contrary.

I think the city government under the reorganization plan has succeeded very well, indeed.

Mr. FAUNTROY. Now, I am sorry the time is so short, but you have shed some light on a problem which has concerned some members of the committee, and that is, would we have any way of assuring a balance of political party representation. You have shed some light. I do not see all the way through the tunnel, but are you suggesting that by indicating that no party could put up more than six candidates, that a party would have to concede at least three ward elections?

Mr. HAHN. Well, I have suggested that all of the nine members, if it were a nine-member Council, should run at-large, which I think is preferable to election by wards.

Mr. FAUNTROY. Oh, I see.

Mr. HAHN. If there is no convenient way with ward elections that you could deal with this problem, unless you had multiple members from each ward, I think a Council of much over nine members is undesirable. That is why I suggest a nine-member Council and that all the members should run at-large, and that no party should elect more than six. Obviously, if there are a different number, there would be a diqerent proportion.

Mr. FAUNTROY. All right.

We have got a minute for questions from counsel and answers from the witness.

Mr. HAHN. I can answer yes, no, and I don't know.

[General laughter.]

Mr. DEPUY. Mr. Chairman, I have one quick question, I hope.

Mr. Hahn, you stated the Federal Government provides half or more than half of the local funds. The figures I have obtained are that, of the operating budget—this is based on 1970 figures; these of course are estimates—looking at total revenues, 32 percent would be Federal payment. The rest would, of course, be Federal grants and enabling revenue sharing, which all other cities get.

How do you get from approximately 32 percent of Federal payment, which is a special payment in this case, to your statement of 50 percent?

Mr. HAHN. I was taking the whole of the city's budget, which runs over $1 billion, including categorical grants both in and out of the budget, and the capital budget. Of that approximately $1.1 or $1.2 billion, revenues from city sources are about $550 million. The rest of it is supplied either by the Federal payment, by Federal categorical grants, or by capital loans from the Treasury. That is the present situation.

Now, the capital part can be redressed by authorizing the local elected government to put out its own bonds.

Mr. DEPUY. Thank you, Mr. Chairman.

Mr. HOGAN. Could I just ask one question?

Based on your experience, Mr. Hahn, the question was brought up and the statement was made about why the Federal interest, why does it exist, or how does it come to be, or how do people perceive it. I wonder if, based on your experience, the Federal interest is not intimately tied into the Federal payment and the Federal funds that go from the Congress—or at least they perceive it as going from the Congress—to the District of Columbia? Is that not what, basically, seems to be the Federal interest, that it is primarily a financial interest in what happens to the money and this kind of thing?

Mr. HAHN. Well, there is not any doubt about the fact that the Federal Government and the whole country has got a legitimate interest in the city and its character as the Nation's Capital and in the Federal buildings and Federal institutions here. And also, article I, section 8, says that that interest is in the Federal Government.

Now, I would divide my answer to you into two parts. No. 1, the city as a city, based on pure laws of economics, cannot raise enough money out of local sources to meet its needed budget. That is irrespective of whether or not there are additional costs that we have to incur because the Federal Government is here.

Now, I conceive of the Federal interest here not in terms of money, that is the second half of my answer. The Federal interest expresses itself in a lot of tangible and intangible ways that would take us a long time to define. I do point out that, because I foresee the fact that, under any circumstance, a major fraction of what is contributed to the District's budget under local elected self-government will come from the Federal Government. By the political nature of this fact, the Federal Government is not going to have any difficulty protecting its Federal interest.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you.

And thank you so much, Mr. Hahn. We are going to have to recess the subcommittee now, until Thursday, April 19, at 9:30 a.m., in this room, room 345, at which time we will hear from Mayor Washington and other witnesses.

Thank you so very much, and the committee is recessed.

[Whereupon, at 12:32 p.m., the subcommittee was recessed to reconvene Thursday, April 19, at 9:30 a.m.]

APPENDIX

[Under the authority previously granted, the following statements and communications were ordered printed:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 5, 1973.

Hon. BROCK ADAMS,
Chairman, Government Operations Subcommittee, House Committee on the District of Columbia, Longworth House Office Building.

DEAR MR. CHAIRMAN: This will acknowledge and thank you for your letter inviting me to testify or submit a statement for the Record on proposals for self-government and governmental organization.

My bill H.R. 950 is identical to H.R. 355 of the 92nd Congress. As you know, I offered testimony on this bill during hearings held in the 2nd Session of the last Congress. My position has not changed.

I would appreciate your making this letter along with a copy of my statement from the 92nd Congress, a copy of which is enclosed, a part of the Committee Hearings on these proposals.

With kindest personal regards.

Sincerely,

JOHN R. RARICK, M. C.

STATEMENT OF HON JOHN R. RARICK, A U.S. REPRESENTATIVE IN CONGRESS FROM THE SIXTH CONGRESSIONAL DISTRICT OF THE STATE OF LOUISIANA

Mr. RARICK. Mr. Chairman, Members of the Committee.

I welcome the opportunity to testify today in support of my bill H.R. 355, "to retrocede a portion of the District of Columbia to the State of Maryland," which is in many ways similar to the Chairman's bill, H.R. 12823.

Let me say at the outset, I am in favor of home rule for the District of Columbia as envisioned by the Founding Fathers and as provided for in the Constitution. The District of Columbia is our Federal city, the home of our Nation's government; therefore, it is presently under home rule—the control of the Congress of the United States.

The framers of the Constitution understood the importance of a neutral environment. They had experienced the threat of mob rule to a republican form of government; indeed, the Continental Congress was itself surrounded and imperiled by such a lawless mob from which it was powerless to protect itself.

HISTORICAL BACKGROUND

The Founding Fathers, therefore, provided in the Constitution for the creation of a Federal district, the District of Columbia over which the Congress should have plenary and exclusive legislative power. This provision of the Constitution, Article 1, Section 8, Clause 17, guarantees a neutral, nonpolitical sanctuary for the seat of our Government, where the representatives of the people could meet in safety far from the "madding crowd," issue oriented as they are or can be made.

This Clause is worth noting in its entirety: "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all

places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;"

The framers of the Constitution recognized that the Nation's Capital belonged in the same category as these other essential Federal properties. It serves the people of the nation; it is supported and maintained by the people of the nation, and it is controlled and governed by the representatives of the people of this nation. This is the function of this Committee—to exercise the control and authority over the District in the name of the people of this country.

The Constitution gives "home rule" to the Congress; to surrender it in any manner would be to abrogate the power of the people over that which is rightfully theirs to hold and control. The inhabitants of the District of Columbia have no more entitlement in logic or in morality to "home rule" than do the inhabitants of Fort Polk, Louisiana, Redstone Arsenal, the Brooklyn Navy Yard, the Chicago Post Office, or, for that matter, the Navajo Indian Reservation located in Arizona, New Mexico and Utah.

There are those who attack the peoples' present system of "home rule" in the District and argue instead that the District of Columbia should have either statehood and/or Congressional representation as a separate and unique entity. There is, however, no available evidence to indicate the people of the District are deserving of such compensatory recognition. On the contrary, the District of Columbia has never been self-supporting; it is not now able to pay its own way nor will it ever be able to do so. Unfortunately, such shibboleths as "home rule," "democracy," and "government by the people" seem to have caused the Congress to forget the lessons of history and to relinquish step by step our responsibility and authority over our home to residents whose inability to operate a city of this size and complexity has made Washington an international joke, the laughing stock of people the world over.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized people in the foreign service; but it is more than a little disturbing to find that our own capital—supposedly the showplace of democracy—is regarded as hazardous duty by the personnel of many of the foreign embassies resident here.

The other aspects of the domestic situation here in Washington certainly do not indicate that the residents of the District have the ability to govern themselves. Crime is rampant; rape and murder occur during the daylight hours within a block of the White House, indeed, the Executive Office Building itself. Are we to believe Home Rule would restore law and order?

SCHOOLS

The level of public education in the District is certainly an illustrative example. The Superintendent of Schools here in the District doesn't know how many people are on the school board payroll, and has no idea of the disposition of school funds. Superintendent Hugh Scott has been quoted as saying, "We don't know the scope of the deficit and we don't have the system or the people to provide it," yet these are the same people crying for "home rule.'

The state of education itself is worse. There are now 51 completely black schools without one white student, and as late as June 3, 1971, Superintendent Scott announced that the average reading level of 8th grade students in the District is equivalent to 6th grade reading ability on a nation-wide basis. The District student actually progresses at a rate of about ¾ths the national average, and the situation becomes worse as the progressive education programs force more and more whites and intelligent Negroes to flee to the suburbs. Are we to believe education would improve because of home rule?

The apologists and interpretative analyzers seek to explain the exodus of decent Americans on the failure to pour more and more taxpayers money down this disgrace to American democracy for more giveaways and more free public accommodations to encourage more squatters on the federal reservation. Few dare to comment on the obvious reasons for this mass migration of decent Americans from their nation's capital; that is, the fear of violence and even death; the concern for human safety and property; and the natural desire to be with the people of one's own choice and kind. The local and national news media continue to violate the principles of free speech and free press and they continue to suppress these truths because those who control the "right to know" mecha-

nism in American society regard the right to choose your own society, your neighbors, and your friends as being foreign to our "free society." Are we to believe the press would be more free and impartial because of home rule?

SOLUTIONS

Neither home rule nor massive outlays of money can solve the District's dilemma. There are but two solutions: first, our many liberal and moderate citizens who profess to have dedicated their lives to the cause of integrated brotherhood, permissiveness, and tolerance to return to the District to live and take part in community affairs, including sending their children to the public schools in the District; or, secondly, remove all the people from the Federal district who are not here on government business and resettle them in areas of the country that have sparse population, and living room, the Yankee challenge of creating something from nothing.

Unfortunately, the former possibility seems more and more unreal as news articles continue to indicate that our country's leaders make laws and enforce them, that they themselves do not adhere to or that they circumvent in one way or the other; therefore, the only real possibility is to resettle the people of the District in other areas of our country.

Again, it is unfortunate that the cost of relocating these exploited people to the sparsely populated areas like Montana, South Dakota, Minnesota, or Kansas is prohibitive; certainly the people of those states would benefit from such close association with the people of the caliber of those in the District. It is, therefore, logical to give serious consideration to the retrocession of that part of the District populated by people whose business is other than governmental to Maryland. Such a move would entail no cost; it would not uproot any of the District's population, and it would give them what they seem to want so desperately—the right to vote and the right to self-government. Under the principle of retrocession, the people of the District would become citizens of a state and would operate as any other community in that State, with the right to self-government and voting representation in Congress.

RETROCESSION TO MARYLAND

This bill and others advocating retrocession would accomplish two basic objectives: one, it would effectively satisfy the desire of the residents of the District for the right to vote and would give them self-government; and two, it would not violate the basic Constitutional principle underlying the establishment of the Federal city—that representatives from the various States and of every political persuasion could meet in safety to legislate the laws of this republic.

Certainly the addition of this portion of the District to Maryland would give the State another Congressman and the two Senators from Maryland would also have to answer to the people living in the retroceded area. Furthermore, people would be able to elect their own mayor and other city officials and participate in state elections just as any other citizen in Maryland or in the United States.

There is no justification whatsoever for giving the District voting representation in Congress as a separate geographical location. Sympathy for transients and migrants who have been induced by many causes and promises to settle in Washington certainly cannot be considered as serious grounds for the granting of Statehood or Congressional representation. After all, these people knew the situation and circumstances of settling here; there was no false representation on our part; it is not something that has been sprung upon them suddenly, yet there are those who support such an idea in an attempt to satisfy block votes or misinformed people at home.

To give statehood and/or Congressional representation to the people of the District will benefit no one. The only possible results of such actions would be detrimental to the American taxpayer and would result in the additional threat to the personal safety of those of us in Congress, our staffs, and our families and the visitors to the nation's capital. At most, the American people could expect but a few more radical votes in either body of Congress to be controlled and exploited by extremist pressure groups.

Of some relevance at this point is an article from the January 24, 1972 issue of the Washington Post headlined "Black Muslims Plan to Expand Activities." This is a branch of the same organization that was involved in the recent racial

confrontation in Baton Rouge, Louisiana, the capital of my state and the major city of my District. As you all know, the Black Muslim group is a black separatist organization.

The article clearly indicates that the Black Muslim group is expanding operations in the District, including providing free schools in "black history" and the opening of three new "temples" in the Washington area. There is every suspicion that the Black Muslims intend to expand their operations and work to recruit new followers from the District's 71 percent black population. I ask that this newsclipping be inserted at this point in my testimony.

(The newsclipping referred to follows:)

"[From the Washington Post, Jan. 24, 1972]

"BLACK MUSLIMS PLAN TO EXPAND ACTIVITIES

"(By Ivan Brandon)

"Minister Lonnie Shabazz, leader of Washington's Black Muslim community, said yesterday that his followers will expand their activities in Washington with the opening of three more temples here within the next three months.

"Shabazz, interviewed on the WRC–TV show 'Dimension Washington,' also said that the Muslims will open a college branch of the Muslim University of Islam in March.

"The University of Islam, located in Chicago, is made up of primary and secondary schools and a college set up by Muslims' leader, the Honorable Elijah Muhammad. There are branches of the university in most cities where the Muslims have a mosque.

"The local Muslims run a high school and an elementary school with a total enrollment of about 350 students. Shabazz said the college will probably have about 50 students when it opens.

"The schools are open to all black students and are tuition free. Shabazz said the Muslims have opened their own schools because 'the schools are in a bad situation.' He added that black studies programs 'are nothing more than a warmed-over version of white history.' The Honorable Elijah Muhammad has solved this his own schools,' Shabazz said.

"Shabazz said the new temples will be located in the Upper Northwest, Northeast and Southeast sections of the city. Muhammad's Mosque No. 4, 1519 4th St. NW., is the Muslims' headquarters here.

"Shabazz did not say how much the expansion would cost or offer any other details on the new temples. The Muslims will not release the number of members in the Washington area or nationwide.

"Shabazz was questioned about Muslim involvement at the recent shootout in Baton Rouge where two blacks and two policemen were killed in what police officials called a confrontation prompted by Muslims.

" 'We have been taught by the Honorable Elijah Muhammad to go about our work in a peaceful manner. We were not involved at all' in the incident in Baton Rouge, Shabazz said.

"Shabazz said local Muslims have a 'peaceful relationship' with the Washington police. Muslims have been in Washington for nearly 40 years, and there have been no serious incidents here involving Muslims and local authorities.

"When asked about reports of an internal struggle for control of the Muslims, Shabazz quickly denied all rumors, saying that there is no dissent or power struggle going on within the movement."

Mr. RARICK. It is certainly worth considering at this point whether or not an organization such as the Black Muslims could, in fact, control the District or elect the representatives should the District be given Congressional representation as a separate or distinct unit.

VOTER TURNOUT

The percentage of voter turnout in the recent D.C. elections indicates that there is a distinct possibility that such an activist group like the Black Muslims could control the local elections. The percentage of voters actually going to the polls in the District are shocking. If such a thing as this occurred in the South, at least in my Congressional District, the Justice Department would invoke

the Civil Rights Act because less than 50 percent of the voters turned out and therefore, according to the liberals, there had to be suppression of rights.

In the 1969 School Board election at large, 18.17 percent of the voters cast ballots. In the D.C. Delegate primary only 45.21 percent of the people went to the polls and in the March General Election only 44.93 percent of the registered voters took part in the democratic process. Yet these are the same people who the opinion makers would have us believe want home rule.

Of some significance here to bring the figures up to date, only 18 percent of the registered voters took part in the first Primary to elect District School Board Members on November 2, 1971; only 9 percent, or 14,998 votes, were cast in the ensuing run-off election held November 24, 1971. It is certainly something that must be considered in deliberations on bills that offer total home rule to the District or voting representation in Congress—it would be indeed shocking to have 15,000 votes cast in an election to name a Congressman and two Senators. It would only require 7,501 votes to win—certainly well within the reach of membership of activist groups such as the Black Muslims.

In conclusion, Mr. Chairman, I would point out that it is essential for the freedom and safety of the Congress, Federal employees, staffs, visitors to our nation that the Congress retain the power to govern and control the Federal city, rather than yield such powers to the exploiters of the squatters on this Federal reservation.

This is the true meaning of "home rule." The people of this nation are the rightful owners of this city; it is fitting that their elected representatives govern it. To yield control over the District exposes this government to absolute mob rule, to street democracy where the elected representatives of the people would live in virtual fear of their lives, subject to the whims and pressures of mob rule such as that dictated here during the recent May Day demonstrations or the earlier riots that threatened this city.

No legislator can say that the District of Columbia is an independent, impartial community, or a safe place to work in the interests of his constituents. Neither is the District a model city or the "showplace of democracy; rather, it is a sinkhole, rat-infested, the laughing stock of the free and Communist world. It is certainly not indicative of cross-section American society; it is not even in the proper racial balance, nor is there any indication but that the so-called "home rule" would but worsen, not improve situations.

RETROCESSION TO MARYLAND

Yet, Mr. Chairman, there is the problem of the right to vote and the right to "home rule" and or representation in Congress. The only logical means available of satisfying this problem is through retrocession to Maryland. There is historic precedent in the 1846 retrocession of the portion of the District to the State of Virginia. Furthermore, and most important, such a move would satisfy two basic objectives: one it would effectively satisfy the desire of the sincere residents of the District for the right to vote and would give them self-government and Congressional representation as citizens of the State of Maryland; and two, it would not violate the basic Constitutional principle underlying the establishment of the Federal city—that representatives from the several states of every political persuasion could meet in safety to legislate the laws of the Republic far from the "madding crowd" and the pressures of mob rule.

I would urge the Committee to give favorable consideration to H.R. 355, or any of the other bills proposing retrocession of part of the District to Maryland.

I thank you, Mr. Chairman, for this opportunity today.

STATEMENT SUBMITTED BY MRS. SHERMAN ROSS

The American Association of University Women again wishes to express its appreciation for the privilege of presenting a statement on behalf of Home Rule for the District of Columbia, on which this Committee has acted favorably on several occasions in the past.

As many of you who are members of this Committee know, the AAUW, with a mebership of approximately 170,000 university women graduates organized in some 1,750 branches throughout the fifty states, Guam and the District of Co-

lumbia, has supported Home Rule for the District of Columbia for nearly two decades. Since its National Convention in June 1961, when the Association adopted Resolutions and an item in its Legislative Program reinforcing this long-standing position in favor of self-government for residents of the District of Columbia, we have urged support of Home Rule.

The nation-wide membership of our organization is becoming increasingly aware that individuals living within the District limits are denied a part of their citizenship privileges. Yet after extenson of the privileges that accompany the granting of statehood to the resident of former territories, the residents of the District continue to be subject to taxation without represenation, to service in war-time, and to contribution of time and effort to our common causes. In fact, District citizens are expected to assume the same responsibilties to which other American citizens, with the exception of convicted felons, mental incompetents, and those under voting age are subject. Other Americans, however, have a voice in their own local governments.

In the eyes of the members of the Association there is no doubt of the justice and wisdom of granting self-government to the District. The constitutionality of the proposals before this Committee was resolved in 1953. Precedent also exists, for between the years 1801 and 1874 the District had its own self-government without impairing in any way the duties and the functions of the Federal government.

In addition to this injustice of taxation without representation and denial of a voice in the management of their own municipal affairs to individuals who live within the District limits, a serious injustice is being done to the constituencies of those Congressmen whose time and energy is subjected to the serious drain that service on House and Senate District Committees commands. This is time and energy which otherwise could be given to the affairs of a member's own state, to his own constituents and as well to matters of national importance.

A similar injustice is being done to each individual taxpayer who under the present system is supporting one of the largest and one of the highest paid city councils for the District when its time is taken for the enactment of its local laws. It is a matter of grave concern, in our opinion, that under the present system so many unavoidable hours must be spent on District business by the whole Congress, while matters of infinitely greater national consequence are therefore delayed. An equally absurd demand is made upon the time of the President who must sign or veto legislation relating to the District and who, under the present system, now must make certain appointments for the District of Columbia. The expenditure of time and effort on the part of the Congress and the Executive to frame and pass legislation regulating the size of ice cream cones, kite flying, beauty and barber licensing and a myriad of other local matters surely cannot be justified as reasonable, when weighed against matters of national policy.

We wish to assure this Committee and members of the Senate that the membership of the Association is aware of the action taken by this Committee and by the Senate in approving Home Rule for the District of Columbia many times beginning in 1949 and to re-affirm Association's support for similar action in this session. We also wish to assure this Committee that our membership will continue its efforts to communicate its concern over the existing situation with respect to this problem to the members of the other body of Congress.

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON,
Seattle, Wash., March 27, 1973.

Hon. BROCK ADAMS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ADAMS: I write to urge your support for a bill that will extend truly meaningful home rule for the District of Columbia.

The ACLU of Washington believes that meaningful home rule legislation must embrace at least three principles: provision for an elected council with full legislative authority, an elected mayor with full executive authority, and a formula for establishing a federal obligation to the District in lieu of taxes.

Although we are over three thousand miles from the District, we share in the national scandal of denying self-government to the citizens of our national

capital. Our state properly prides itself on the democratic and participatory nature of the governmental process. Our fellow citizens in the District of Columbia must also enjoy the right to govern themselves.

Very truly yours,

LAUREN SELDEN,
Executive Director.

STATEMENT OF CLYDE M. WEBBER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

The American Federation of Government Employees, AFL–CIO, is fully committed to achieving genuine home rule for the residents and citizens of the District of Columbia. On October 24, 1972, our National Executive Council unanimously adopted a resolution which had been submitted to our last national convention, which reads as follows:

"Whereas, the residents of the District of Columbia have heretofore been denied full participation and representation in the political process,

"Be It Resolved, that we support full participation and representation in the political process on the part of the residents of the District of Columbia. This goal includes the full control of all resources of the District by its citizens through representatives elected by them. We support all legislation which moves toward achieving these ends."

We are a democratic organization and support the principles of democratic, responsive government. Currently the District does not have such a government. We believe that all U.S. citizens have a right to elective government and there is no adequate justification for denying this right to District residents. The American Declaration of Independence stated clearly the issue: "That to secure these rights, Governments are instituted among Men, deriving their powers from the consent of the governed." One of the primary and most effective means the governed have of exercising the right of self government is through the institution of elective government. In this respect the residents of the Dsitrict have been denied genuine citizenship as expressed in the Declaration of Independence. Presently the only elected officials in their local government are the members of the School Board. They have little, if any, effective control over the other officials of their government. It is an irony that in a nation so firmly dedicated to the principles of democracy, the residents of that nation's capital are denied local self-government.

We have heard expressions of surprise and anger from new residents of the District when they find that as a consequence of moving to the District they have been virtually disfranchised with regard to local government. There is no justifiable reason that individuals who would be regarded as responsible enough to exercise full rights of citizenship by any other American state or municipality should have these rights so drastically limited merely because they live in the District of Columbia.

We urge speedy passage of legislation to grant full home rule to the District and full citizenship to its residents.

Up to this point, we have addressed the issue of the basic principle of democratic government. There are other issues of important constitutional and international significance which we realize are invoked to retard the immediate application of democratic procedures in the District. Our national headquarters is domiciled in Washington, D.C., and for this reason, we are daily made aware of the various facets of life here which are cited as arguments against home rule. Daily we hear such phrases as "executive privilege," "internal documents," "executive session," "hearings in camera," "secret," "confidential" and other classification categories which restrict access of the public to information. Thus we ourselves are fully aware that Washington is in fact the seat of our Federal government, comprising its three independent branches which jealously guard their own sovereignities both in relation to each other and in relation to the right of local authorities to supervise them. Even casual visitors to the District can discover this fact during a tour of our principal buildings. They will see, for example, the physical, tangible exercise of these independent Federal sovereignties in the varous police forces in the District—the Executive Protective Service, the Capitol Police, the Supreme Court Police Force. In addition, there exist within the District the Metropolitan Police Department, the National Park

Police and the Zoo Police. Just a recital of these separate police forces indicates the many independent jurisdictions which play a role in the city.

In addition to housing 119 Embassies and 3 Legations all enjoying diplomatic immunity, Washington is the host to many international organizations. These consider themselves immune to, or exempt from, local jurisdiction.

The District is also home to large numbers of Institutions, Funds and Foundations, many of whom are tax-exempt bodies. It also provides housing to many American and Foreign corporations. Although their principal operations are located elsewhere, these groups consider it essential to maintain liaison offices here.

The residence of these various groups in the District brings Washington many advantages, of course. Nevertheless there are some problems also, especially since it appears that the President, the Congress, the Supreme Court or the foreign embassies and international organizations would not be willing to be governed by any local body. Moreover, all these groups at this time have asserted their Constitutional or diplomatic rights by claiming local property tax immunity.

The problem facing home rule then is largely a question of accommodating the needs of the Federal government and the international community to the democratic rights of the local population.

The 23rd Amendment to our Constitution, ratified in 1961, proceeded in this direction by granting residents of the District the right to vote for President and Vice President. Since then, provision has been made for the election of a Delegate from the District of Columbia to the House of Representatives. Although participating fully in the prerogatives of House Committees, the Delegate is still denied the right to vote on the floor of the House.

From the foregoing, it is clear that much remains to be done.

The most serious needs concern, of course, the election of local bodies, most of all an elected Council and an elected Mayor. The question of election of these government officials is intertwined with such other questions as the right of an elected Council to levy local taxes, especially real estate taxes, on Federal and diplomatic properties. Without the power to tax, no sovereignty has very much meaningful home rule.

Our organization realizes that these are compex issues, and that to their solution many of the finest minds in our country are directed. For our part, we wish to lend our most enthusiastic support and good wishes and to assure you that we will welcome every step forward toward effective self-government and home rule for the local residents of the District of Columbia.

PREPARED STATEMENT OF LOVELL L. CYRUS, EXECUTIVE DIRECTOR, DISTRICT OF COLUMBIA COUNCIL 20, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL–CIO

This is before the Government Operation Sub-Committee of the House District Committee regarding Home Rule Legislation for the District of Columbia.

Mr. Chairman and members of the Committee, I appear before you on behalf of over 6,000 members of our Council in the District of Columbia in support of Home Rule Legislation for the District.

Our Union has long advocated total self government for the citizens of the District of Columbia, including further voting representation in the United States Senate and House of Representatives.

In recent years a number of important steps have been taken by the Congress toward that goal. We have recognized these actions by the Congress to provide the residents of the District with some voice in their Government. We realize that although these actions have been extremely limited in terms of effective self government, they have had the desirable effect of further encouraging the people of the District to seek full citizenship and self government.

We believe that this is particularly true of the recent election of Walter Fauntroy as the District's Non-Voting Delegate in the House of Representatives.

However, let us not forget that despite these gains, the District of Columbia remains, in fact, America's "last colony"—its residents subjected to the indignities of second-class citizenship, a half-million voters denied their right to choose elected representatives, taxpayers with no representation, American citizens denied an effective voice in governing their lives.

Our Union firmly believes that it is time, therefore, that the Congress take a major step toward fulfilling the promise of representative government for all the

people of the District of Columbia. The time for elected government in this city is long overdue.

The principle of local self-government for the District of Columbia is no longer an area of controversy and I do not think it is necessary to belabor this question. However, I would like to focus on two issues which have been cited against home rule.

It is often heard that home rule cannot be granted to the District of Columbia because the residents of the District are incapable of governing themselves and that home rule would lead to scandal, bankruptcy, or worse. This is a ridiculous statement at best and we find its racist implications intolerable. For anyone to say that since home rule for the District of Columbia in 1874 proved to be a disastrous experience is a valid, logical reason for not having home rule in 1973 is pure nonsense. If one follows this reasoning, I would like to point out to the Members of this Committee, the record of government in many states and cities from 1874 to the present would lead one to seriously question the capability of the citizens of those areas to effectively govern themselves. I cannot recall any Member of Congress demanding the revocation of the right of those citizens to choose their own representatives and govern themselves.

There is also the issue of the District of Columbia as the Federal city and the fear that self-government for the District would have a disastrous effect on the ability of the Federal government to function. Those who defend the concept of the Federal city ignore the fact that all modern governments in the free world manage to function without denying the citizens of their capitals the same rights of all other citizens.

H.R. 429 by Congressman Fauntroy, H.R. 5211 by Congressman Conyers, H.R. 6183 by Congressman Smith, H.R. 6439 by Congressman Fraser and H.R. 2574 by Congressman Dellums are excellent pieces of proposed legislation and we commend these Congressmen for their efforts on behalf of the citizens of the District of Columbia. We must however be practical and candid about the chances of getting these bills out of the House District Committee as well as getting them passed by this Congress.

S. 2652, known as the Compromise Bill was passed by the last session of the Senate and was referred to the House District Committee on October 13, 1971 while that bill was not the utopia of Home Rule, we did feel that it had a fair chance of passage, that legislation provided adequate safeguards to protect the interest of the Federal Government.

It was our understanding that no action could have been taken by the D.C. Government which would in any way run counter to the best interests of the Federal Government. We have been knocking on the door too long. The Compromise Bill did afford an opportunity to get inside the door, it did like many others before it. We want to get in and we are determined to continue our efforts for complete Home Rule for the District of Columbia. We can find no reason for the House of Representatives to delay any further the enactment of some type of legislation granting the right of self government for the people of the District of Columbia, legislation is long overdue and we urge this Subcommittee to favorably report and actively work on any bill that they feel will lead to final congressional enactment.

STATEMENT BY CARL J. MEGEL, AMERICAN FEDERATION OF TEACHERS, AFL–CIO SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

This statement is to confirm support for Self Determination for the District of Columbia by the American Federation of Teachers, a national organization consisting of more than 300,000 classroom teachers, affiliated with the AFL–CIO.

By convention action, a resolution was passed which stated that the American Federation of Teachers continue its efforts to influence the Congress of the United States to grant local self government to the citizens of the District of Columbia.

The citizens of the District of Columbia are required to pay taxes yet do not have the power to see how the money is to be spent. To deny one million American citizens this elementary right violates the traditional American principal of no taxation without representation.

Enactment of legislation to give the District of Columbia home rule is long overdue. Such legislation would restore citizenship to residents of an area which has been disenfranchised for nearly 90 years. The benefits so derived will strengthen the entire nation.

STATEMENT SUBMITTED BY THE AMERICAN JEWISH CONGRESS

For many years, the American Jewish Congress, a national organization with 40,000 members, has supported the principle of home rule for the District of Columbia. Once again we urge the Congress to enact legislation that will grant to the residents of the nation's capital the right and responsibility to exercise meaningful control over their local affairs.

The bedrock of our constitutonal system is the principle that government exists only by the consent of the governed. It follows, therefore, that the people have an obligation to exercise the elementary rights of citizenship, to vote, to participate in the affairs of their community, and to hold their representatives accountable for what is done in their name. We teach this to our children, and we urge it upon ourselves.

How ironic, therefore, that the people who live in the nation's capital cannot fully participate in the democratic process. They do not elect their officials, they do not determine the use to which their taxes will be put, and they are barred from meaningful decision making with regard to the policies and programs that will shape the quality of life in their community.

We recognize that complex issues confront the Congress in its home rule deliberations. The presence of the federal government within the District's boundaries, the various proposals concerning the form of representative government for the District, and the nature of the anticipated fiscal relationship between the government of the District of Columbia and the federal government are all matters of grave concern. Yet the Congress must not allow the difficulty of the task to blind it to the rightness of the principle. It has a clear obligation to relieve the citizens of the District of Columbia of the burdens imposed by the denial of full citizenship rights.

The American Jewish Congress supports home rule for the District of Columbia and urges the Congress of the United States to grant self-determination to the nearly one million Americans who live in the nation's capital.

STATEMENT BY B'NAI B'RITH WOMEN

B'nai B'rith Women, an international Jewish Women's service organization comprised of 135,000 members in the United States, reaffirms its previously stated positions in support of Home Rule for the District of Columbia.

The City of Washington, D.C., home of our nation's government, is an anachronism within our democracy. It is governed by appointees of the President and the Congress rather than by elected representatives. B'nai B'rith Women views this situation of "taxation without representation" as antithetic to a democracy.

B'nai B'rith Women therefore urges the members of the Congress of the United States to speedily enact legislation to grant home rule to Washington, D.C. We specifically petition the distinguished Chairman of the House District of Columbia Committee to expedite such legislation as soon as possible.

Now is the time to end the disgraceful lack of democracy in the District of Columbia.

STATEMENT OF ROBERT S. STRAUSS, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE, MAY 7, 1973

The Democratic Party remains committed to the goal expressed in the 1972 Democratic National Platform of "full home rule for the District of Columbia, including an elected Mayor-City Council government, broad legislative power, control over appointments, automatic Federal payments, and voting representation in both Houses of Congress."

The Democratic Party has always been, and will continue to be, a political party based on the inherent faith of the people to govern. The Democratic Party has always provided the initiative in extending the franchise to ameliorate the worst possible injustice in representative democracy—denying duly qualified citizens the opportunity to participate in the decision-making affairs of their government. We remain committed to this principle today.

The concept of a "Federal City" in no way assumes restricted citizenship for citizens of the Federal jurisdiction. Our Constitution has been amended to account for this anomaly, and thus the citizens of the District of Columbia now participate in the election of the President and Vice President of the United States, as their fellow citizens in the fifty states do. Our system of government assumes a government of separate and co-equal branches. Certainly it is illogical to guarantee to the citizens of the District of Columbia participation in the selection of the Executive branch, and deny them any participation in the selection of the Congressional branch of American government. The 23rd Amendment to the Constitution went half way in ameliorating electoral injustice. Is it now not time to go all the way in giving the citizens of the District of Columbia the same rights of citizenship as is enjoyed by all 209 million other Americans?

Isn't it now time to allow the citizens of the District of Columbia to select their own local government, a local government that has meaningful powers to govern in the best interst of its citizens, and reject the paternalistic charade of congressional control over the well being and interests of the District of Columbia? Though not to label the situation colonial, it does come very close to our use of that term. It is unjust for citizens of the United States to be totally controlled by congressional appropriations when they have no ability to influence the will of the Congress. For one of the early tenets of our American system, one of the tenets used most effectively in attempting to secure American independence, was the slogan "no taxation without representation." Yet this is just the situation which we have allowed to fester in the District of Columbia for almost 200 years. We cannot have a free and independent people, governed by rules which they had no power to make, governed by individuals they had no power to elect.

To repeat, the Democratic Party strongly endorses the concept of home rule for the District of Columbia as a means to let the people of the District have the same rights and privileges of citizenship in the United States as all other people in our Nation. The great hope for our Nation is the participation of people in government. Thus, we must remove all barriers to such participation.

STATEMENT OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

For more than twelve years the Leadership Conference on Civil Rights has endorsed Home Rule for the District of Columbia.

The Conference, a coalition of 132 national civil rights, labor, religious and civic groups has long worked to bring equal rights to all persons in the United States. There can be no more flagrant denial of equal rights than the denial of full citizenship to the men and women who live in the Nation's Capital. President Richard M. Nixon himself has called the District of Columbia's lack of self-government a national shame and has given his support to Home Rule.

The 93rd Congress has it in its power to correct this disgrace. This subcommittee can begin the task of making the District of Columbia a full, functioning entity in our democracy, by helping create a workable system of self-government.

On behalf of our participating organizations we respectfully urge this subcommittee to help correct a long standing injustice and restore to the residents of the District their right to elect the persons who govern them and their right to exercise some influence on the affairs of the city in which they live.

STATEMENT BY THE CAPITOL HILL SOUTHEAST CITIZENS ASSOCIATION

The Capitol Hill Southeast Citizens Association again votes against Home Rule as it has done for years. This is the Nation's Capital, and the various government agencies extending for blocks from the U.S. Capitol, the Senate and House Office Buildings indicate that Government for this great country is the main business of Washington, D.C.

Following are some of the distinguished groups not voting here but welcome to reside in the area:

1. Senators and Representatives as well as members of their staffs.
2. The various Embassies and members of their staffs.

3. Officers of Marine Corps Headquarters on Capitol Hill and marines stationed in Washington, D.C.

4. All Navy Yard Officers at Washington Navy Yard headquarters and any sailors stationed there.

5. Officials at Bolling Field Air Base and men stationed there.

6. All government workers under the Hatch Act who must vote in home state.

7. Thousands who reside here while on assignment to government business but who vote elsewhere.

8. The tourist trade that visits Washington sightseeing all year round.

Following are some of the many reasons why this organization is opposed to Home Rule:

1. Since this is the Nation's Capital, the District Government cannot be expected to handle much of the maintenance or protection and certainly not the operation of the City. (Remember the riots of 1968; troops were called to help.)

2. This organization seldom asks the District Government for anything. In the past the House District Committee has aided Capitol Hill all it could. May it still do so. This group hopes the House of Representatives will still assist Capitol Hill and the rest of Washington. Residents should not be forced to sell their property and leave.

3. The D.C. Government can collect trash, sweep streets, provide lighting, and control the general appearance of the City including Zoning. It probably has some conferences with the City Schools, but the D.C. School Board whose members are elected have great trouble providing adequate education. All children whose parents can afford it should attend private school. Public schools appear to be mainly for those who cannot afford private schools. (Money is spent but something is lacking under the elected Board of Education.)

4. Many people refuse to leave their homes in order to protect themselves and their property, and since they have done this, reports state that crime has dropped in Washington, but to expect the District Government to protect the Nation's Capital is not realistic.

Under no circumstances, allow this City to become more dangerous than it now is by allowing home rule.

Home rule was started in 1871 under Boss Shepherd, Mayor and lasted until 1874. The public debt piled up during the three years and was so enormous that it was not completely paid off until 1922.

Under no circumstances, subject the resident of Washington, D.C. to such a repeat indebtedness. Thank you for considering this matter most seriously.

STATEMENT OF THE NATIONAL EDUCATION ASSOCIATION

The 1.2 million members of the National Education Association are appreciative of this opportunity to submit testimony again in favor of self-government for the citizens of the District of Columbia.

Significant first steps have already been taken. The Association applauded the legislation which provided for a popularly-elected School Board for the District. Now further steps are before you.

The Association believes that three basic elements essential to the establishment of a true and workable form of self-government are: first, locally elected officials, including a mayor and city council; second, control by elected District officials over the District of Columbia's budget; and third, automatic payment of federal funds to compensate for the heavy concentration of nontaxable federal and international buildings within the District.

We have noted with interest the testimony presented by Mr. Sterling Tucker and others, representing the Metropolitan Coalition for Self-Determination for the District of Columbia before this Subcommittee on April 3, 1973. Although the National Education Association has taken no specific actions which would dictate support or lack of support for any of the details offered in the testimony, we believe that adoption of the suggestions made by the Metropolitan Coalition would saftisfy the three basic elements above which we consider essential for meaningful self-government.

The Association has long been on record in favor of complete Home Rule for the District of Columbia. Educators across the country, who daily teach the history and development of representative government in the United States,

the most durable democracy yet created, consider it ironic that 800,000 people in the nation's Capital City are denied the basic democratic right to a local government responsible to them at the polls.

The Declaration of Independence says it well—that in order to secure the rights to life, liberty, and the pursuit of happiness, "governments are instituted among men, deriving their just powers from the consent of the governed . . ." For the last hundred years residents of the District of Columbia have been governed by powers not derived from their consent, but from the consent of the citizens of the several states. It is basic to the principles set down by Jefferson and the other brave men meeting in Philadelphia that governments at all levels should be elected by, and therefore answerable to, the citizens governed. Only in the District of Columbia is this principle violated, and we urge a speedy and effective remedy.

An elected mayor and city council, and indeed an elected school board also, have in fact no powers unless they are able to make decisions concerning the financial affairs of the District. It would be an exercise in futility for a governing body to legislate authority to hire more policemen, for example, or to mandate an innovative reading program in the schools, unless that same body could also legislate the financial means to implement the legislation. Therefore we urge that the District of Columbia's budget be controlled by the elected District officials.

And finally, we urge adequate and automatic federal payments to the District government to offset the severe shortage of taxable property within the boundaries of the District cause by the heavy concentration of nontaxable federal and international buildings.

We join with other members of the National Coalition for Self-Determination for D.C. in urging that this Committee take quick and positive action toward granting full rights of citizenship to the residents of our Capital City.

STATEMENT BY THE OFFICERS OF NEW DEMOCRATIC COALITION

The officers of the New Democratic Coalition call upon all Democratic Congressman to give their wholehearted support to the reality, as well as the principle, of home rule for the District of Columbia.

For more than 20 years, D.C. home rule has been a commitment of the Democratic Party, through national platforms as well as candidates' statements. Yet today, the city is still a federal colony. It is time now, in this session of Congress to make our party's commitment a fact by insisting that the House District Committee report out a home rule bill as soon as possible.

(The following document was referred to on page 118 "D.C. Government Organization", Part 1.)

MARCH 26, 1973.

Hon. BROCK ADAMS,
Chairman, Government Operations Subcommittee, Committee on the District of Columbia, U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: During the Subcommittee's hearing held in my office on Monday, March 19th, you inquired regarding the Council's exercise of its regulatory power and requested information on instances in which the Council has sought to test the limits of this power in the public interest.

In summary form, the authority of the Council is set forth in Reorganization Plan No. 3 of 1967, Section 402, D.C. Code Title I, Appendix. The Council's regulatory powers are those delegated by the Congress to the former Board of Commissioners. The power of the Congress under the Constitution to delegate regulatory authority to the District of Columbia was upheld in the landmark case of *District of Columbia* v. *John R. Thompson & Co.*, 346 U.S. 100, 106–110 (1953). The preeminent authority to regulate is contained in D.C. Code § 1–226, which authorizes the Commissioners (now the Council "to make and enforce all such reasonable and usual police regulations . . . as they may determine necessary for the protection of lives, limbs, health, comfort and quiet of all persons and

the protection of all property within the District of Columbia." In addition to this general grant of "police power" to the Council, there are a number of specific delegations of authority, including the power to issue building regulations (D.C. Code § 1–228) under which the Building and Housing Codes were adopted, and the General License Law (D.C. Code § 47–2301 *et seq.*) under which the Council has the authority to require licensing and regulation of various businesses, trades, professions or callings.

It is clear that the Council will regulate under both broad and specific grants of legislative authority by the Congress, except when the Congress, by enacting a specific statute, "pre-empts the field" of regulation.

Some instances in which the Council has exercised its delegated regulatory powers maximally are:

(1) The Gun Control Regulation—a copy of the regulation and the opinion of the United States Court of Appeals for the District of Columbia Circuit supporting the Council's authority in this field are attached.

(2) Consumer Retail Credit Regulation—a copy of which is attached. A previous version of this regulation was enjoined by the U.S. District Court on the grounds that consumer credit legislation pending before the Senate indicated that Congress had pre-empted the field. After revision of the regulation the suit was dismissed.

(3) Insurance Regulations designed to prohibit geographic discrimination and arbitrary cancellation of policies within the District, enacted under the general police power—a copy of these regulations and of the memorandum opinion of the U.S. District Court enjoining enforcement are attached. This decision is on appeal to the United States Court of Appeals for the D.C. Circuit and decision is pending.

(4) Solid Waste Regulations which impose a $5 per ton fee on all solid waste disposed of by private haulers in District facilities. This regulation was challenged and upheld by the U.S. District Court in the attached memorandum opinion.

(5) Abortion Control Regulation intended to provide health care requirements in connection with abortions performed in the District of Columbia. A copy of a memorandum opinion enjoining enforcement of this regulation based on the recent Supreme Court decision on abortion is attached.

(6) Amendments to the District of Columbia Housing Regulations concerning tenants' rights. A copy of this regulation is attached. This regulation has not been judicially construed.

Now pending before the Council are proposals to regulate in the following areas: (1) automobile repossession; (2) discrimination in employment and housing on account of age, sex, or marital status; and (3) licensing of automobile and TV repair firms.

I hope that this information will be useful to the Committee. We stand ready to provide any further information you may desire.

Sincerely yours,

JOHN A. NEVIUS,
Chairman, City Council.

EXCERPTS FROM PROCEEDINGS OF THIRTY-NINTH ANNUAL CONVENTION, THE NEWSPAPER GUILD (AFL–CIO, CLC)

THE DISTRICT OF COLUMBIA

The 800,000 U.S. citizens who live in the nation's capital city continue to have no voice in the choice or operation of the city's municipal government and have only token, non-voting representation in Congress.

This situation flies squarely in the face of the tenet that participation by the citizenry in their government at all levels is the basic principle of responsive government.

The Senate has passed a strong bill to provide home rule for the District. The House of Representatives has yet to act. Home-rule bills there have been tied up in the District of Columbia Committee, chaired by Rep. John L. McMillan.

The Congress also has before it a strong bill to provide home rule for the District. The House of Representatives has yet to act. Home-rule bills there have been tied up in the District of Columbia Committee, chaired by Rep. John L. McMillan.

The Congress also has before it a proposal to give the District full voting representation in Congress. (Eleven [1] of the 50 states have fewer residents than the District and among them elect 22 U.S. Senators and 17 members of the House.)

The Newspaper Guild, reaffirming the Guild's support for home rule for the District of Columbia, calls upon the House District Committee to report favorably, without further delay and without change, the home-rule bill approved by the Senate (S. 2652), and the IEB further calls upon the House of Representatives to enact the measure.

TNG also endorses full voting representation in Congress for the District and calls upon the Congress to approve a proposed Constitutional amendment to accomplish this.

NATIONAL CONGRESS OF PARENTS AND TEACHERS,
Chicago, Ill., April 20, 1973.

Hon. BROCK ADAMS,
Chairman, Subcommittee on Government Operations, District of Columbia Committee, U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

MY DEAR MR. ADAMS: The National PTA, representing approximately eight and one-half million members, has long been interested in the assurance of full and equal opportunities for the exercise of civic rights and responsibilities for all citizens. The Legislative Program of the National PTA includes an item which reads, "The District of Columbia should be granted self-government and elected representation in Congress."

In our belief that the citizens of the District of Columbia are entitled to the same civic rights and responsibilities as other citizens of the United States, the National PTA urges that you and the members of your committee give favorable consideration to legislation which will give the residents of the District of Columbia self-government and full representation in the Congress of the United States.

Thank you very much for hearing our views.

Sincerely yours,

MRS. WALTER G. KIMMEL,
Coordinator of Legislative Activity, National PTA.

STATEMENT OF UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW)

The United Auto Workers has consistently supported home rule for the District of Columbia. We were elated, therefore, when Congressman Charles Diggs, of Detroit, was named chairman of the District of Columbia Committee—for at long last it appeared that friends of District self-determination had majority control of the House committee which must report out a bill before the House can vote on the question.

We are pleased that hearings have been conducted on behalf of District home rule and we look forward to a favorable report by the committee.

Most Americans—including some members of Congress—can not believe that any part of the United States, least of all the federal city, is without self-government. The lack of a meaningful vote among the residents of Washington, D.C. for city officials is so inconceivable that most people have to be repeatedly reminded of this startling fact.

Our union has 1.4 million members and we conduct conferences in Washington to acquaint our leadership with the legislative process. Our members who visit Washington are amazed to learn that citizens in the District of Columbia are not able to vote for mayor or members of the city council, nor to vote for officials who will decide upon their tax rates and level of public services.

It is our contention that District residents lack home rule because the American people are simply not aware that this denial of self-government actually exists.

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[1] Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont and Wyoming.

We appreciate that there are some honest questions which home rule advocates can raise. Chairman Diggs has raised some of these in a recent television editorial. But these questions are trival when placed against the injustice of continued taxation without representation which plagues the 800,000 citizens of the District.

We in the UAW do not believe the House District of Columbia Committee should indulge in elaborate nit-picking exercises before voting out a home-rule bill for action by the full House. The Senate has many times approved a home-rule bill which faced all the questions propounded now by Chairman Diggs. We in the UAW think that extended hearings will not improve the legislative climate, and that the House of Representatives ought quickly to vote its will on District home-rule.

It is argued that District home-rule lacks a majority in the House. There is, in our judgment, no way to know if this is so. What the House needs is a vote—and only action by the District Committee will pave the way for a House vote.

Congress has been criticized by many for failing to lead, for failing to act. What the District Committee does on home-rule will be a major test of congressional ability to lead in the 93rd Congress.

Washington, D.C. has all the virtues and vices of every other major American city. We do not think that self-government will overnight transform Washington into a better city as such. But we do believe that the people of Washington have the right to make their own mistakes, and that congressional committees should no longer be allowed to meddle in the internal affairs of the residents of this city.

The people of Washington have waited long enough to use their talents and resources to grapple with the schools, the public service, and the life of the city.

The next move is clearly up to the members of the District Committee. We in the UAW await that move.

BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington, D.C., April 11, 1973.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.

DEAR MR. DIGGS: I'm sending along to you a resolution entitled "Home Rule for the District of Columbia." This was passed by the Board of Christian Social Concerns (now the Board of Church and Society) on October 7, 1971, during their Annual Meeting in Washington, D.C.

We would like to request that this policy statement be included in the written record of hearings being conducted regarding home rule. As our statement reflects, our Board would favor action by the District Committee to provide D.C. citizens with their fundamental political rights and permit them to assume responsibilities governing themselves.

We should greatly appreciate your honoring this request.

Yours sincerely,

J. ELLIOTT CORBETT,
Director.

(Enclosure.)

HOME RULE FOR THE DISTRICT OF COLUMBIA

More than 800,000 citizens of the District of Columbia find themselves living in the only U.S. territory without self-government. Puerto Rico, the Virgin Islands, and Guam all elect their own officials. With the exception of Washington, D.C., every capital city in the free world governs itself.

More citizens live in the District of Columbia than live in any of the eleven smallest states of the Union. Yet, unlike these states, the District has no *voting* representation in the U.S. Congress.

Although District citizens vote for President and their school board, the President of the United States appoints their Mayor and City Council. All laws affecting the District must be passed by the Congress. Also, all taxes are levied by Congress. To sum up the situation, the District has "taxation without representation," a situation which moved the early American colonists to revolution.

The 1968 General Conference of The United Methodist Church declared "Churchmen should seek the removal of every racial barrier to the right to vote, which is a fundamental right within a democratic government." Since more than 70 per cent of the citizens of the District of Columbia are black, the latter statement is pragmatically pertinent to the whole Home Rule issue. District of Columbia residents, mostly black, are without voting rights necessary to govern themselves.

In view of this continuing inequity in the treatment of District of Columbia residents, the Board of Christian Social Concerns calls upon the United States Congress to:

provide District citizens with the right to democratically elect their own Mayor and City Council;

give the District City Council broad legislative authority, including the power to levy taxes;

require an automatic annual Federal payment for the District;

provide the District of Columbia with two voting U.S. Senators plus the number of voting U.S. Representatives it would be entitled to if it were a State;

protect the interest of "the Federal City" by allowing either House of Congress to act within 20 days to veto any measure passed by the District of Columbia City Council; otherwise, Council action would become law.

Resolution adopted by the Board of Christian Social Concerns of The United Methodist Church during the Board's annual meeting held in Washington, D.C., October 5–8, 1971.

STATEMENT OF UNITED PRESBYTERIAN WASHINGTON OFFICE, THE UNITED PRESBYTERIAN CHURCH IN THE U.S.A.

To: Chairman and Members, Government Operations Subcommittee of the House District Committee.
From: United Presbyterian Washington Office.
Subject: Home Rule Hearing.
Date: April 12, 1973.

The United Presbyterian Church in the U.S.A. meeting at the 182nd General Assembly in Chicago, May 20–27, 1970 concurred in the following Overture:

The 1970 General Assembly of the Presbyterian Church in the United States answered the following overture regarding House Rule for the District of Columbia from the Presbytery of the Potomac in the affirmative:

Whereas, for seventy years the citizens of the District of Columbia enjoyed local Home Rule and whereas this Home Rule was abolished by Congress after the Civil War:

Whereas, the District of Columbia has recently acquired a City Council and whereas its members are not elected by the people of the District;

Whereas, the District of Columbia remains unrepresented in the Congress of the United States at a time when the malaise of powerlessness is more traumatically felt in the District, leaving the citizens of the District virtually alone among the people of the United States who are denied any voice in choosing the members of the legislative bodies who rule over them;

Be it resolved, the Potomac Presbytery record its affirmation of the principle of representation in Congress for the District of Columbia and that it be communicated to the news media and the Congressional Committee dealing with the matter.

Be it further resolved, that Potomac Presbytery overture the General Assembly of the Presbyterian Church in the United States to urge the Congress of the United States to adopt and the States to ratify, an amendment to provide for full voting representation in Congress for the citizens of the District of Columbia.

We reaffirm support of this overture.

For generations the Presbyterian Church has supported the principles of representative government and the right of participatory democracy. The citizens of the District of Columbia are responsible people and democracy can work in Washington, D.C.

The federal interest and the local interest are synonymous. It is in the "federal interest" to provide for "consent of the governed" in the Capital City of the United States. We advocate this form of government throughout the world and

it is essential that we practice it in this city. D.C. residents no more want to allow appointed officials to control their daily lives than do the citizens of any other city, town or county in this republic.

We believe that D.C. home rule legislation must contain four basic elements:

1. Locally elected officials.
2. Full legislative authority over local affairs.
3. Budgetary authority, including the right to determine local priorities and to raise and allocate revenue.
4. An automatic system of financial assistance coming from the federal government to the District of Columbia government to compensate the District for its heavy concentration of non-taxable federal, foreign and private non-profit property.

We appreciate the opportunity to present our views to your committee.

WASHINGTON, D.C., *April 10, 1973.*

GOVERNMENT OPERATIONS SUBCOMMITTEE,
Longworth Building, Washington, D.C.

DEAR CHAIRONE—CHAIRPERSON—or however you like to be called: May I please have the opportunity to testify before your committee concerning home rule for the District?

I speak for myself—but I know there are many like me who live in the District because we choose to . . . who are not organized (yet) . . . who are white . . . who believe in the majority form of government, even though we are often in the minority.

The report in the Washington Post on yesterday's hearings practically incites me to . . . to . . . well, not really riot—but I want to do what I can to offset the impression that all white people in the District believe that the majority of those living in Washington, D.C. are incapable of governing themselves.

I am only a resident for four months. Having always participated in community activities where I have lived, I find it exceedingly frustrating not to be able to exercise my rights as a citizen . . . to elect the people who govern the community in which I live.

Of all the places where democracy should be exercised at its fullest, it is this nation's capitol. "Power to the People", that expression used by President Nixon in explaining his New Federalism concepts—should apply here most of all. To know that the results of deliberations and decisions concerning budgets for schools and city government could be negated by someone not responsible to or elected by District voters simply perpetuates lack of interest and participation.

Let us have the right to vote. Give us the same opportunity the rest of our country's citizens have to run our own community.

Very sincerely,

SALLY J. ALEXANDER.

TESTIMONY SUBMITTED BY CITIZENS AGAINST SUBSTANDARD HOUSING, INC.

May I first introduce myself. I am Dorothy W. Jackson (or Dottie to my friends). Founder and President of an organization entitled Citizens Against Substandard Housing, Inc. or C.A.S.H. for short. We are comprised of those persons who were fraudulently sold houses under F.H.A. Programs 235, 221(d)(2) and 203(b). These Programs were designed for low to moderate income people in an effort to make "homeowners" out of people in this income range. However, we were sold houses that have many code violations. I have 66 code violations in my 221(d)(2) barn, as I call it. For those of you who might not know, the 235 program is a subsidized program, where the buyer pays a part of the note and the Government pays the other part—ratio based on purchaser's salary. The other two programs are non-subsidized.

Through the efforts of CASH and others, a repair bill was initiated entitled FHA 518(b) program. However, it was only for the 235 houses. It has proved to be unsuitable as it is not even a good cosmetic repair bill. By that I mean instead of doing a thorough repair, they patch and use inferior materials. In some cases they start work on a 235 house, leave it, and in most cases do not return to com-

plete the work, even with constant pressure from the homeowner. There is no legislation for repairs of the 221(d)(2) house or the 203(b) house.

As you may know, the Housing Bill was killed in 1972 and with it went the morale of many low to moderate income people. The former Secretary of HUD, George Romney, bragged that this Administration had done more to house low to moderate income people than any other Administration—but he failed to state what type of housing.

The majority of these people are women with 4 plus children and no man as "head of household" with Government or private industry employment, who can pay their notes, feed and clothe their kids but no money to make electrical repairs, roofs, floors, etc. They thought they were bettering their conditions and at the same time paying for something they could eventually call their own. It should be taken into consideration that these people knew absolutely nothing about what to look for before going to settlement and thought that since they were purchasing under F.H.A. these houses were up to par. They did not understand that F.H.A. only approves mortgage loans and not the house. People were neither orientated or educated as to right procedures in selecting houses; F.H.A. Appraisers did not do their jobs thoroughly; and real estate brokers saw chances to get rid of bad housing and made speculators out of these people knowing full well they (the buyer) were not in a position to have their houses brought up to code regulations.

The thing that provokes me is that this has happened in the Nation's Capital as well as every inner city in the Country. As the Nation's Capital we should be setting an example for the rest of the Nation—but we're not.

I just completed a six-week seminar on Planning, Development, and Management under the direction of the Housing Specialist Institute (I was given a $900.00 scholarship) and even though many expertise in housing for low to moderate income housing gave lectures they could not give me any answers to our problems. They are interested in the "money angle" and that's it.

As many beginning typists practice—"Now is the time for all good men to come to the aid of their country," I feel that the country should now come to the aid of ALL people. America is supposed to be the land of the free, the land of opportunity, and the wealthiest country on the globe. The Preamble says of, by, and for the people (of course there was no member among the writers that were in the minority group). They say Abraham Lincoln freed the slaves—sometimes I wonder, especially those of us in the District of Columbia. I attended a new communities meeting, given by Metropolitan Washington Planning and Housing Association where a gentleman made a remark, "The whites moved out of the inner city to allow the blacks to move in." Being the only black, native Washingtonian there, I answered him by explaining I was born in Georgetown. My grandfather who was a school teacher, a minister, and a barber was buying his home as many other blacks were doing. They condemned the Courts, and offered the buyers good sums for their houses so they would move. Now, when the planners and designers of today give a history of Georgetown, they paint a picture that only the elite lived in Georgetown and the blacks there were only in servitude. I further explained that when I was old enough to purchase a home of my own, the lady who lived diagonally across from me, who was a Jew and that after a time we were able to communicate, told me that the white woman who sold me my house had asked her "if she was moving." The Jewish lady asked her "why should she move when she and her family had lived there for over 35 years." The lady who formerly lived in my house told her "The Niggers are Coming." The Jewish lady told her "as long as the "Niggers" didn't bother her she wouldn't bother them."

Communities have been changing with the economy. First they are white, then black or minority group, back to white. This is a regular ritual.

Now back to the subject at hand.

Why are the Administrations and Congress afraid to allow the District of Columbia to govern herself? Why do they feel we do not want to elect through vote those who run our city? Why do we have to look elsewhere for some one to run our School Board? Why do we have to depend on the President of the United States to select our Mayor (Commissioner), our Recorder of Deeds, and other pertinent officers?

Is it because they feel we are not intelligent enough ot think for ourselves? People like Senator Edward Brooke, Delegate Walter Fauntroy, and even Mayor/

Commissioner Walter Washington and his wife are products of the D.C. schools—yet they made it. It is true that many D.C. high school graduates go to colleges and universities in other locales but so do members of other locales come to D.C. to go to school. This is done for various reasons—i.e., a life away from home, meeting new frends, and a variance in curricula.

Last year people from Chicago, Rhode Island, Pennsylvania and D.C. had a press conference on housing. Afterwards, members of CASH passed out circulars asking people to write their Congressmen pushing for legislation for the low to moderate income houses and I met a gentleman who was a lobbyist for President Nixon. He explained to me that we could not impress Congressmen to do anything for people of the District as the people of the District could not give them a vote. The only thing to do was to get people like Reverend Jessie Jackson to intercede for us in the States. Now I say—this is true.

Take Civil Service for instance. Each State has a quota wherein that percentage of people can work here in the Federal Government. The only way many from the District were able to get in was to say that their parents or grandparents were from the States with vacancies in their quota and the Congressman felt this would be another vote for him. Look at the Board of Education—they are searching all over the country for a Superintendent to run D.C. Schools. Why?

I am saying this to prove that we are not allowed under any stretch of the imagination to dictate our desires and/or hopes on any level. We have no representation to direct us or help solve our problems and yet—we pay taxes. We pay taxes for the "privilege of"—what is our privilege?

In view of the foregoing reasons and many more which time will not allow to go into, Cash and I wholeheartedly add our vote home rule or Statehood for the District of Columbia—immediately.

STATEMENT OF MRS. EDWARD B. MORRIS

When I came to Washington in 1936, I might have agreed that the city should have its own elected government. However, as I became interested in civic matters and came to realize how much more influence we here had on our government through public hearings, etc., than residents of other cties had on their elected officials, I decided strongly against any local government elected by popular vote.

Our three-member Board of Commissioners was approachable and cooperative. We did not have the scandals so prevalent in other cities where I had lived and about which I had read. No one in the government had to go out and solicit votes or make promises to all and sundry so that he could be reelected. His time could be devoted to the business at hand, running the city insofar as authority permitted. The Congress could have given the Board jurisdiction over such minor matters as who could play in the Police Band and where kites could be flown, had it so chosen.

Members of the Board listened at public hearings to individuals as well as to representatives of organizations, and their decisions reflected the views of those who spoke. I was proud to have a part in such a democratic procedure, far different from any previous experience under elected city governments.

Then President Kennedy installed in the White House a "special assistant on District of Columbia affairs," a resident of Maryland, and thereafter it was obvious that the Commissioners were being dictated to from above and that public hearings were more window dressing than sources of influence. President Johnson continued this position and we as citizens were the losers.

Later, President Johnson promoted and achieved a change in the form of government for the District of Columbia and costs resulting from expanded quarters, swank office decor, increasing numbers of employees, etc., skyrocketed. Real estate taxes jumped as much as 200 percent within a few years in some instances, and sales taxes climbed; the Federal payment was greatly increased, also—while the population showed no corresponding increase.

"Home rule" was never a racial issue, to my mind. I remember a meeting in in the early 1940's in Southeast Washington, before the city had a sizeable Negro population and there was any thought of race, when one man pleaded strongly for support for an elected city government. Sentiment was so opposed that, out of sympathy, I voted with him—with just the two of us taking the affirmative.

At another meeting, in the 1950's, a different organization had speakers pro and con on the issue and though the supporting speaker was a good friend of some of us, the vote was unanimously against him. When we moved to Northwest Washington, the citizens' association with which I affiliated also voted overwhelmingly against any election of local officials.

This city simply does not have a stable, responsible population. Those who have lived here and worked for so many years to make this a better city would be outvoted by renters and transients.

Many responsible property owners retain voting rights in their home States. Home-rule bills have in recent years prohibited their voting here for local officials. When in the past some bills did permit such a local vote, it was obvious that many of those voting elsewhere would not participate in any election here for fear of jeopardizing their State votes.

Then, this city is unique in having five large universities within its boundaries, drawing students from all parts of the country. Court have reduced residence requirements until students, here only during the school year, could vote. Semesters now begin earlier so as to end by Christmas, so a 30-day residence requirement could easily be met before a November election.

We all know of the takeover of the Berkeley government by radicals, and now Madison, Wisconsin, has a young student mayor. While students could probably not take over an election in a large city, their vote could certainly be a deciding factor and they would participate in campaigns to influence others.

The District of Columbia cannot be permitted to come under the thumb of those who have no knowledge of or interest in its history and couldn't care less about its citizens, its Federal affiliations, etc. Student disregard of the rights of neighbors when they rent houses in residential neighborhoods and create confusion with noise and illegal parking and permit yards to become unsightly and insanitary shows this.

We know what has happened in the case of our elected Board of Education. Our schools have deteriorated until the city may never again have a responsible program of education. Many children are showing complete disregard for authority, contempt for education (just talk to some of the teachers!) and they are supposedly our future voters.

Without proper education they are ripe for radical influences. Many are actually illiterate and the Board of Education seems unable to improve conditions. Obviously, many parents have no interest in their children's education, so they aren't to be recommended as voters, either, in this capital city of a great nation.

Candidates for office would be spending much time courting votes and currying favor in advance of elections. Incumbents would not be giving full time to fair and efficient performance of their duties as they sought reelection, and employees everywhere would be distracted from work at hand. With this we have not thus far had to contend.

I am therefore adamantly against so-called "home rule" in any form that has been proposed. I believe that a return to the three-member Board of Commissioners would be in the best interests of the city, and that this should be considered seriously by the Congress, which could delegate to that Board some of the nit-picking type of legislation on which it deplores wasting time.

The three-member Board, with each member having certain departments under his jurisdiction, resulted in much closer supervision and deeper knowledge of performance efficiency.

We had a qualified engineer from the U.S. Army Corps of Engineers as one member of that Board, and we need more men of that caliber. The other members were always successful business or professional men who accepted the positions more from a sense of civic duty than a desire for power. They would not have sought public election.

What we now have is a burgeoning mess where, to quote some employees, people roam the halls because they don't know what they are supposed to do, and if they knew, they wouldn't want to do anything, anyway. Nobody bothers to fill the vacant position of Deputy Commissioner although orginally the man in this position was the workhorse of the administrative machinery.

Meanwhile, our taxes go up, and up, and UP! Under "home rule," without braking from the Congress, there would be no limit. No one who wants a locally elected government is required to live inside District of Columbia boundaries.

STATEMENT OF CHARLES M. SEIGEL, NINTH-GRADE STUDENT

Mr. Chairman, Congressmen, ladies, and gentlemen, my name is Charles M. Seigel. I am a ninth grade student at the Georgetown Day School, in the District of Columbia, and a resident of the District.

Mr. Chairman, this statement is not to tell you that I am for Home Rule. I think you already know that. It is to tell you how I think Home Rule can work, and how it should work.

I attended one of your hearings, so I will try to answer some of the questions raised there, too.

First, I believe in an elected Mayor and City Council for the District. The City Council could be represented by two members from each "ward" and three elected "at-large", including the Chairman. I believe that the Chairman should be elected by the City, not the City Council members.

An interesting idea which I have heard about is the so-called "Minority Representation", on the City Council. It seems to me that if a city does not want members of party X, Y, or Z, it should not be "shoved down their throats".

Besides, there is a ward or two in the District which would probably elect a member of a minority party anyway. I am, of course, speaking of the 3d ward.

The Federal Government should pay a fixed tax to the District government as "rent" for the property it holds on the District. This should be a fixed amount, payable every year, which should in some way reflect the property value.

For jurisdictional purposes, the City Police should be the police force for the government buildings, embassys, etc., e.g. The Capitol, Department of State, et. al., with a special detachment assigned to each bldg. or group of buildings. The government should pay for this service, also.

The Judges of the District Court System should be appointed by the Mayor, with confirmation by the City Council, for a life term. I truly believe that only the Mayor, or another elected official from the District, should have the right to appoint the local judges. The President should not be burdened with, or have the responsibility for, picking the judges for the City. Does he have the right in other local areas?

Another idea is that the judges be elected by the voters of the city. I can not see, here or anywhere, the purpose of directly electing judges, except for the purpose of peddling influence by contributions to a campaign, etc. Can anyone imagine what would happen if the Supreme Court were elected?

Think of that in perspective of a local election.

Probably the most important question, though, is that of the financing of the City Government.

I personally do believe that the District, with a guaranteed Federal Payment, can support itself. There are the usual proposals, such as an income tax, a sales tax, etc. Also, if needed, the city could get tremendous revenue from such things as a city-wide lottery.

One thing I would seriously consider is a "commuter tax," for people who live in the suburbs and work in the District. Those people use our roads, our facilities, our services, yet pay nothing for it. For the city to survive, it should have a commuter tax. This same type of arrangement is in effect in the New York City metropolitan area, where there are more than 3 state jurisdictions, but a slightly different situation.

The Cleveland, Ohio, area also has a situation like this, in which the citizens of the whole area pay their income tax in the place where they work, not where they live. This proposal should also be considered.

In the Senate-passed bill from the last Congress, there was a clause that provided for a veto power by either House of Congress of City Council measures within 30 days. Personally, I find this idea unsatisfactory. However, if this clause is the price of Home Rule for the District, I would gladly accept it.

Another subject which I would like to discuss for a moment is voting representation in Congress.

I consider this very crucial. The people of the District are just as much citizens of the United States as anyone else. They have been denied their rights for too long.

I consider voting representation in both Houses of Congress very important.

Mr. Chairman, I believe that any person who can look at this situation fairly and without any prejudices can see the plight of the citizens of the District.

Many people have said that the people who move to the District and complain about the situation can move back to where they came from if they want to. This does not seem to be very realistic.

Any American citizen has the right to certain freedoms no matter where he lives.

Some people say that this city is The Federal City and is owned by everyone, no matter where they live. I think that they should pay taxes to the District, just like anyone else who lives in the city, since it is "their city" also!

Mr. Chairman, thank you very much for the opportunity to give you my views on the important subject of Home Rule for the District of Columbia. I greatly appreciate this honor.

Thank you again.

STATEMENT OF GREENE CHANDLER FURMAN

To: The Honorable Chairman, and members of the District of Columbia Committee of the Ninety-Third Congress of the House of Representatives of the United States of America.

Subject: While not opposed to such home rule, temporary grants the executive and Congress of the United States may wish to grant citizens of the United States and residents in the District of Columbia, we do oppose certain proposed provisions which are palpably in violation of the Constitution of the United States, particularly parts of article I and article IV thereof. That said Constitution is the supreme law of the land and that the donation from the State of Maryland is for a specific and limited constitutional purpose and when no longer needed in whole or in part by the National Government for the purposes outlined in the Constitution, the area not needed reverts to the control and full ownership of the State of Maryland which has always had the naked title to said area if the Government of the United States no longer has need of said land for the purposes set forth in said Constitution.

As the rules seem to require anyone writing to speak or testify before any Committee to file a written statement with the Committee giving the subject matter, what interests he represents, and what he intends to say, I state:

My name is Greene Chandler Furman. I am a citizen of the United States and the State of Maryland, and live at 5108 Fairglen Lane, Chevy Chase, Montgomery County, Maryland 20015. My situation is not the usual one of a witness. I represent no one except myself—in other words, I am "Sui Juris" of my own making or creation. Like St. Paul or Popeye, "I am (or y'am) what I am (or y'am)". I am opposed to the form of Home Rule for the District proposals which are being agitated. I sincerely believe that some of these proposals, such as making a State out of the rump of the District of Columbia, are basically unconstitutional. The proposals basically change the purposes for which the District was created—so much so that, if enacted, they might constitute a breach of faith on the part of the United States Government. There are so many problems involved in the plea for Home Rule for the District that to properly write up all that is involved would require volumes of encyclopedic contents. The naked title to the present District of Columbia is in the State of Maryland Article IV Sec. 3.

Mr. Chairman and honorable members of the House District Committee, I have decided to begin the presentation of this opposition to the movement for complete Home Rule for the District of Columbia by a Syllabus of this paper. My reasons for this are those of necessity. This will be of a lengthy nature and by presenting a succinct syllabus of the whole paper, it will enable any member of the Committee to interrupt, propounding a question suggested by the syllabus upon which he desires an opinion, or clarification which the speaker will endeavor to answer to the best of his ability—and, let us hope, satisfactorily.

SYLLABUS

I. History of the District of Columbia.

II. Personal experiences and qualifications of the writer of this paper; his education, degrees, Bar admissions and experiences before those Bars. Admitted

to practice in the States of Louisiana and Texas, Guam, District of Columbia, Supreme Court of the United States before which he has argued two cases: Elder et al. v. Brannan, Secretary of Agriculture, a Veterans Preference case 341 U.S. 277–289 (184 Fed 2d 219) and Ex rel Eaton v. Price, Chief of Police of Dayton, Ohio, an Illegal Search and Arrest case on a writ of Habeas Corpus 360 U.S. 246. Experience on Guam, M.I. as condemnation attorney for the Naval Government, which included extensive experience before Naval, Marine and Army Courts and Boards (1947–1951).

III. The Constitutional questions raised showing the impossibility of making a full-fledged state out of the "Rump of the District of Columbia".

IV. The military importance in the modern world of the District of Columbia which is a hive of Government enterprise. Cannon shot between circles in the D.C. no longer limits enemy action against the District of Columbia. The changes which must be faced because of planes, missiles, the atom bomb—not to mention the far more powerful hydrogen nuclear bomb. The greater effectiveness of nuclear missile-carrying submarines' use of gases, smoke, and so on.

V. Conclusion.

[Balance of statement in official files of committee.]

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