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HOME RULE—1973

GOVERNMENT

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HEARING

BEFORE THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

S. 1435

TO PROVIDE AN ELECTED MAYOR AND CITY COUNCIL FOR
THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

APRIL 25, 1973

Printed for the use of the
Committee on the District of Columbia



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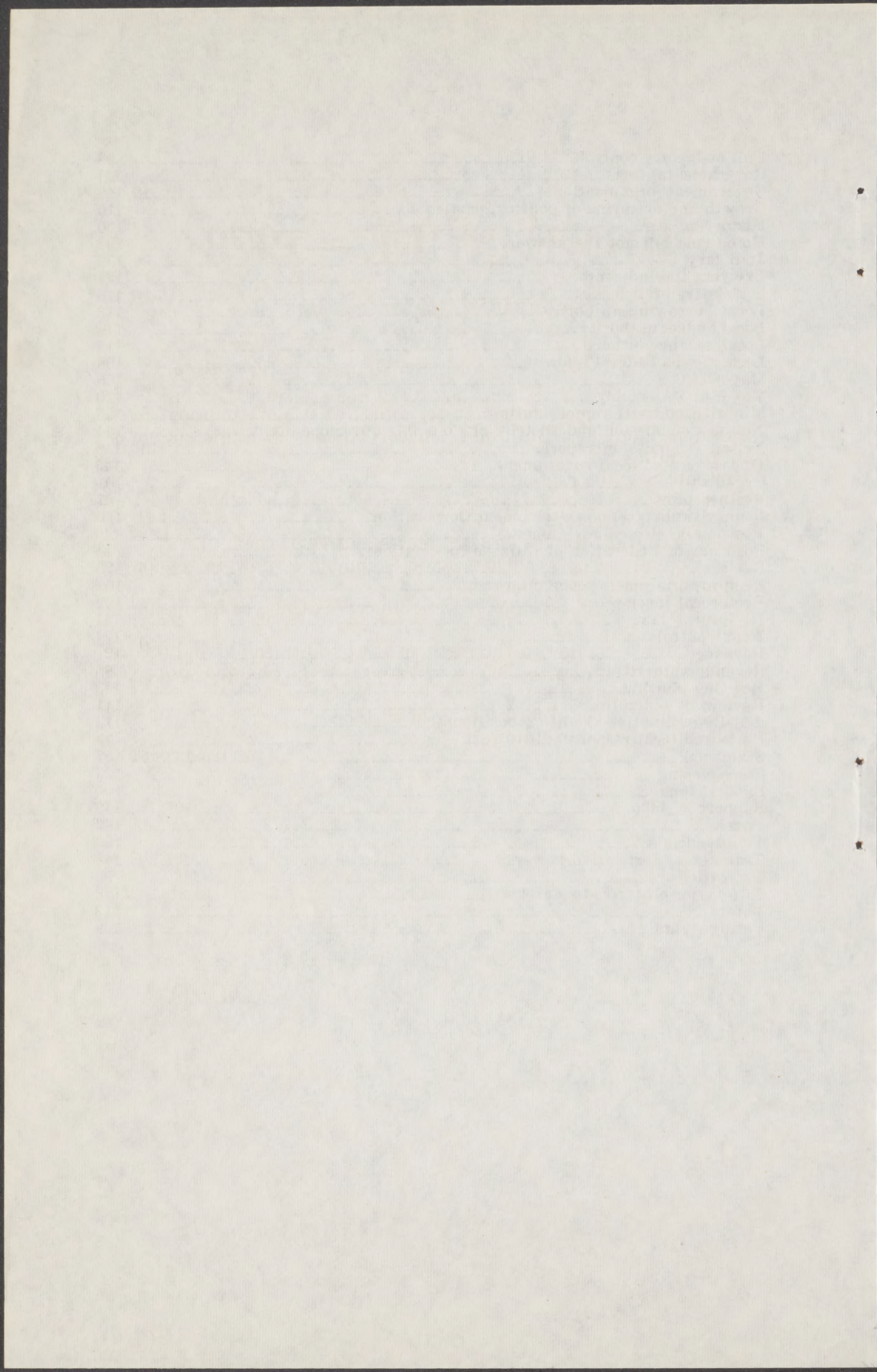
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HOME RULE—1973

WEDNESDAY, APRIL 25, 1973

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 9 a.m., in room 6226, Dirksen Senate Office Building, Senator Thomas F. Eagleton, chairman, presiding.

Present: Senator Eagleton.

Staff present: Robert Harris, staff director; and Colbert I. King, minority staff director.

The CHAIRMAN. Good morning, ladies and gentlemen.

The Committee on the District of Columbia is now in session to consider the matter of home rule.

On April 2, 1973, S. 1435 was introduced as this year's version of our home rule bill.

Except for a change in the method of appointment of judges, the bill is basically similar to the one which passed the Senate October 12, 1971, by a vote of 64 to 8.

I now place in the record a copy of S. 1435.

[The bill referred to follows.]

93D CONGRESS
1ST SESSION

S. 1435

IN THE SENATE OF THE UNITED STATES

APRIL 2, 1973

Mr. EAGLETON (for himself, Mr. INOUE, Mr. MATHIAS, Mr. STEVENSON, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to the retention by Congress of the ultimate
4 legislative authority over the Nation's Capital which is
5 granted by the Constitution, it is the intent of Congress to
6 restore to the inhabitants of the District of Columbia the
7 powers of local self-government which are a basic privilege
8 of all American citizens; to reaffirm through such action
9 the confidence of the American people in the strengthened
10 validity of principles of local self-government by the elective

1 process; to promote among the inhabitants of the District
 2 the sense of responsibility for the development and well-being
 3 of their community which will result from the enjoyment
 4 of such powers of self-government; to provide for the more
 5 effective participation in the development of the District and
 6 in the solution of its local problems by those persons who are
 7 most closely concerned; and to relieve the National Legisla-
 8 ture of the burden of legislating upon purely local District
 9 matters. It is the further intention of Congress to exercise
 10 its retained ultimate legislative authority over the District
 11 only insofar as such action shall be necessary or desirable in
 12 the interest of the Nation.

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TITLE I—DEFINITIONS

DEFINITIONS

SEC. 101. For the purposes of this Act—

(1) The term “District” means the District of Columbia.

(2) The terms “District Council” and “Council” mean the Council of the District of Columbia provided for by title III.

(3) The term “District of Columbia Council” means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term “Chairman” means, unless otherwise indicated in this Act, the Chairman of the District Council provided for by title III.

(5) The term “Mayor” means the Mayor provided for by title IV.

(6) The term “qualified voter,” except as otherwise specifically provided, shall have the same meaning as that provided for a “qualified elector” under paragraph (2) of section 2 of the District of Columbia Election Act.

(7) The term “act” includes any legislation adopted by the District Council, except where the term “Act” is used to refer to this Act or other Acts of Congress herein specified.

(8) The term “District of Columbia Election Act” means the Act of August 12, 1955 (69 Stat. 699), as amended.

1 (9) The term "person" includes an individual, partner-
2 ship, association, joint-stock company, trust, or corporation.

3 (10) The term "capital project", or "project", means
4 (a) any physical public betterment or improvement and
5 any preliminary studies and surveys relative thereto; (b)
6 the acquisition of property of a permanent nature; or (c)
7 the purchase of equipment for any public betterment or
8 improvement when first erected or acquired.

9 (11) The term "pending", when applied to any capital
10 project, means authorized but not yet completed.

11 (12) "District revenues," as used in title VI, means
12 all revenues derived from taxes, fees, charges, and miscel-
13 laneous receipts, including all annual Federal payments to
14 the District authorized by law.

15 (13) The term "election", unless the context otherwise
16 indicates, means an election held pursuant to the provisions
17 of this Act.

18 (14) The term "domicile" means that place where a
19 person has his true, fixed, and permanent home and to
20 which, when he is absent, he has the intention of returning.

21 (15) The terms "publish" and "publication", unless
22 otherwise specifically provided herein, mean publication in a
23 newspaper of general circulation in the District.

24 (16) The term "municipal courts of the District of
25 Columbia" means the Superior Court of the District of Co-

1 lumbia, the District of Columbia Court of Appeals, and such
2 other municipal courts as the District Council may hereafter
3 establish by act.

4 (17) The term "annual budget" means the entire bud-
5 get for all activities of the government of the District of
6 Columbia as heretofore submitted to the Congress by the
7 President of the United States and shall include both operat-
8 ing and capital outlay expenditures.

9 TITLE II—STATUS OF THE DISTRICT

10 SEC. 201. (a) All of the territory constituting the per-
11 manent seat of the Government of the United States shall
12 continue to be designated as the District of Columbia. The
13 District of Columbia shall remain and continue a body cor-
14 porate, as provided in section 2 of the Revised Statutes re-
15 lating to said District. Said Corporation shall continue to be
16 charged with all the duties, obligations, responsibilities, and
17 liabilities, and to be vested with all of the powers, rights,
18 privileges, immunities, and assets, respectively, imposed upon
19 and vested in said Corporation or the Commissioner of the
20 District of Columbia.

21 (b) No law or regulation which is in force on the effec-
22 tive date of part 2, title III, of this Act shall be deemed
23 amended or repealed by this Act except to the extent specifi-
24 cally provided herein or to the extent that such law or regu-

1 lation is inconsistent with this Act, but any such law or
2 regulation may be amended or repealed by legislation or
3 regulation as authorized in this Act, or by Act of Congress.

4 (c) Nothing contained in this section shall affect the
5 boundary line between the District of Columbia and the
6 Commonwealth of Virginia as the same was established or
7 may be subsequently established under the provisions of title
8 I of the Act of October 31, 1945 (59 Stat. 552).

9 TITLE III—THE DISTRICT COUNCIL

10 PART 1—CREATION OF THE DISTRICT COUNCIL

11 CREATION AND MEMBERSHIP

12 SEC. 301. There is hereby created a Council of the
13 District of Columbia consisting of eleven members, of whom
14 the Chairman and two members shall be elected at large and
15 the other eight members shall be elected one from each of
16 the eight election wards established under the District of
17 Columbia Election Act. The term of office of the Chairman
18 and other members of the Council shall be four years begin-
19 ning at noon on January 2 of the calendar year next fol-
20 lowing the calendar year of their election; except that of the
21 members (other than the Chairman) first elected after the
22 effective date of this provision, one member elected at large
23 and four members elected from wards shall serve for terms
24 of two years. The members who shall serve for terms of two
25 years shall be determined by lots cast before the Board of

1 Elections of the District of Columbia upon a date set and
2 pursuant to regulations issued by the Board of Elections.

3 QUALIFICATIONS FOR HOLDING OFFICE

4 SEC. 302. No person shall hold the office of member of
5 the District Council, including the Office of Chairman, unless
6 he (1) is a qualified voter, (2) is domiciled in the District
7 and, if he is nominated for election from a particular ward,
8 resides in the ward from which he is nominated, (3) has,
9 during the three years next preceding his election, resided
10 and been domiciled in the District, and (4) is not engaged
11 in any employment (whether as an employee or as a self-
12 employed individual) and holds no public office or position
13 (other than his employment in and position as a member of
14 the Council), for which he is compensated in an amount in
15 excess of his actual expenses in connection therewith, except
16 that nothing in this clause shall prohibit any such person,
17 while a member of the Council, from serving as a delegate
18 or alternate delegate to a convention of a political party
19 nominating candidates for President and Vice President of
20 the United States, or from holding an appointment in a
21 Reserve component of an armed force of the United States
22 other than a member serving on active duty under a call for
23 more than thirty days. A member of the Council shall forfeit
24 his office upon failure to maintain the qualifications required
25 by this section.

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22 SEC. 321. (a) The District of Columbia Council, the
23 offices of Chairman of the District of Columbia Council,
24 Vice Chairman of the District of Columbia Council, and the
25 seven other members of the District of Columbia Council.

1 and the offices of the Commissioner of the District of Colum-
2 bia and Assistant to the Commissioner of the District of Co-
3 lumbia, as established by Reorganization Plan Numbered 3 of
4 1967, are hereby abolished: *Provided*, That this subsection.
5 shall not be construed to reinstate any governmental body
6 or office in the District abolished in said plan or otherwise
7 heretofore.

8 (b) Except as otherwise provided in this Act, all func-
9 tions granted to or imposed upon, or vested in or transferred
10 to the District of Columbia Council or the Commissioner of
11 the District of Columbia, as established by Reorganization
12 Plan Numbered 3 of 1967, shall be carried out respectively
13 by the District Council and the Mayor in accordance with
14 the provisions of this Act.

15 CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF

16 CERTAIN AGENCIES

17 SEC. 322. No function of the District of Columbia Coun-
18 cil (established under Reorganization Plan Numbered 3 of
19 1967) or of the Commissioner of the District of Columbia
20 which such District of Columbia Council or Commissioner
21 has delegated to an officer, employee, or agency (including
22 any body of or under such agency) of the District, nor any
23 function now vested pursuant to section 501 of Reorganiza-
24 tion Plan Numbered 3 of 1967 in the District Public Service
25 Commission, Zoning Commission, Zoning Advisory Council,

1 Board of Zoning Adjustment, Office of the Recorder of
2 Deeds, or Armory Board, or in any officer, employee, or body
3 of or under such agency, shall be considered as a function
4 transferred to the District Council pursuant to section 321 of
5 this Act. Each such function is hereby transferred to the offi-
6 cer, employee, or agency (including any body of or under
7 such agency), to whom or to which it was delegated, or in
8 whom or in which it has remained vested, until the Mayor or
9 Council established under this title, or both, pursuant to the
10 powers herein granted, shall revoke, modify, or transfer such
11 delegation or vesting.

PROCEDURE OF ZONING ACTS

13 SEC. 323: (a) The provisions of section 322 of this Act
14 notwithstanding, before any zoning regulation or equivalent
15 legislation for the District is approved by the District Coun-
16 cil, Zoning Commission, or other authority—

(1) the Council, Zoning Commission, or authority shall deposit such regulation or legislation in its introduced form with the National Capital Planning Commission. Such Planning Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, Zoning Commission, or authority, including advice as to whether the proposed regulation or legislation is in conformity with the comprehensive plan for the District of Columbia. The Council, Zoning

1 Commission, or authority shall not pass the regulation or
2 legislation unless it has received said comments, or the
3 National Capital Planning Commission has failed to
4 comment, within the thirty-day period above specified;
5 and

6 (2) the Council, Zoning Commission, or authority,
7 or an appropriate committee thereof, shall hold a public
8 hearing on the regulation or legislation. At least thirty
9 days' notice of the hearing shall be published, as the
10 Council, Zoning Commission, or authority may direct.
11 Such notice shall include the time and place of the
12 hearing and a summary of all changes in existing law
13 which would be made by adoption of the regulation or
14 legislation. The Council, Zoning Commission, or author-
15 ity (or committee thereof holding a hearing) shall give
16 such additional notice as it finds expedient and practi-
17 cable. At the hearing interested persons shall be given
18 reasonable opportunity to be heard. The hearing may be
19 adjourned from time to time. The time and place of
20 reconvening shall be publicly announced before adjourn-
21 ment is had.

22 (b) The Council, Zoning Commission, or authority shall
23 deposit with the National Capital Planning Commission each
24 such regulation or item of legislation passed by it.

25 (c) This section shall not be construed to restrict legis-

lation (or regulation) regarding solely the procedure (apart from this section) or mechanism for regulating zoning in the District and not itself regulating such zoning.

APPOINTMENT OF ARMORY BOARD

SEC. 324. (a) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(b) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

POWERS OF AND LIMITATIONS UPON DISTRICT COUNCIL

SEC. 325. (a) The legislative power granted to the District by this Act shall be vested in the District Council.

(b) Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after the enactment of this Act and any act passed by the Council.

1 (c) Except as provided in subsection (d) of this section,
2 the legislative power of the District shall extend to all right-
3 ful subjects of legislation within the District consistent with
4 the Constitution of the United States and the provisions of
5 this Act, subject to all the restrictions and limitations im-
6 posed upon States by the tenth section of the first article of
7 the Constitution of the United States.

8 (d) The Council shall have no authority to pass any
9 act contrary to the provisions of this Act, or—

10 (1) impose any tax on property of the United
11 States or any of the several States, or upon the whole or
12 any portion of the personal income, either directly or at
13 the source thereof, of any individual not a resident of
14 the District (the terms "individual" and "resident" to be
15 understood for the purposes of this paragraph as under
16 section 4 of the Act of July 16, 1947 (61 Stat. 332)) ;

17 (2) lend the public credit for support of any pri-
18 vate undertaking;

19 (3) authorize the issuance of bonds except in
20 compliance with the provisions of title VI;

21 (4) enact any act, or enact any act to amend or
22 repeal any Act of Congress, which concerns the func-
23 tions or property of the United States or which is not
24 restricted in its application exclusively in or to the
25 District;

1 (5) pass any act inconsistent with or contrary to
2 the Act of June 6, 1924 (43 Stat. 463), as amended, or
3 the Act of May 29, 1930 (46 Stat. 482), as amended,
4 and the Council shall not pass an act inconsistent with
5 or contrary to any provision of any Act of Congress as it
6 specifically pertains to any duty, authority, and respon-
7 sibility of the National Capital Planning Commission.

8 (e) Every act shall include a preamble, or be accom-
9 panied by a report, setting forth concisely the purposes of
10 its adoption. Every act shall be published, upon becoming
11 law, as the Council may direct.

12 (f) An act passed by the Council shall be presented by
13 the Chairman of the Council to the Mayor, who shall, within
14 ten calendar days after the act is presented to him, either
15 approve or disapprove such act. If the Mayor shall approve
16 such act, he shall indicate the same by affixing his signature
17 thereto, and such act shall, subject to the provisions of sub-
18 section (g) of this section, become law. If the Mayor shall
19 disapprove such act, he shall, within ten calendar days
20 after it is presented to him, return such act to the Council
21 setting forth his reasons for such disapproval. If any act
22 so passed shall not be returned to the Council by the Mayor
23 within ten calendar days after it shall have been presented
24 to him, the Mayor shall be deemed to have approved it,
25 and such act shall, subject to the provisions of subsection

1 (g) of this section, become law. If, within thirty calendar
2 days after an act has been timely returned by the Mayor
3 to the Council with his disapproval, two-thirds of the mem-
4 bers of the Council present and voting vote to repass such
5 act, the act so repassed shall, subject to the provisions of
6 subsection (g) of this section, become law.

7 (g) The provisions of subsection (f) of this section
8 notwithstanding, acts of the District Council exercising
9 functions not heretofore legally exercisable by the Commis-
10 sioner of the District of Columbia pursuant to section 401
11 of Reorganization Plan Numbered 3 of 1967 or by the
12 District of Columbia Council pursuant to section 402 of
13 said plan, shall become law only in accordance with the
14 following:

15 (1) Within five calendar days following the date upon
16 which such acts of the District Council would have become
17 law apart from this subsection, such acts of the District
18 Council shall be transmitted to the Congress by the Mayor or,
19 in the case of such acts repassed by a two-thirds vote of the
20 District Council over the Mayor's disapproval, by the Chair-
21 man of the Council.

22 (2) (A) Any act so transmitted shall become law upon
23 the date of expiration of a period of thirty calendar days of
24 continuous session of the Congress following the date on
25 which such act is transmitted, unless during such period

1 there is passed by either the Senate or the House of Repre-
2 sentatives a resolution stating in substance that the Senate or
3 the House of Representatives, as the case may be, does not
4 approve the proposed act, in which case such proposed act
5 shall be considered void and of no effect. For the purposes of
6 this paragraph, in the computation of the thirty-day period
7 there shall be excluded the days on which either the Senate
8 or the House of Representatives is not in session because of
9 adjournment of more than three days to a day certain or
10 an adjournment of the Congress sine die.

11 (B) The provisions of sections 910-913 of title 5,
12 United States Code, shall apply to the procedure to be fol-
13 lowed in the Senate and House of Representatives in the
14 exercise of their respective responsibilities under subpara-
15 graph (A) of this paragraph in the same manner and to the
16 same extent as such provisions apply to the procedure fol-
17 lowed in the case of reorganization plans; except that refer-
18 ences in such provisions to a "resolution with respect to a re-
19 organization plan" shall be deemed for the purposes of this
20 paragraph to refer to a resolution of disapproval under sub-
21 paragraph (A).

22 (h) On or after the effective date of this part, any
23 person appointed to serve as judge of one of the municipal
24 courts of the District of Columbia shall not (1) be appointed
25 to serve for a term of less than ten years, (2) serve on the

1 court past the year that the seventieth anniversary of his
2 birth shall occur, or (3) receive as compensation for such
3 service an amount less than the amount payable to an as-
4 sociate judge of the Superior Court of the District of Colum-
5 bia on the effective date of this part. Appointments to
6 positions as judges of the municipal courts of the District
7 of Columbia, including vacancies therein, shall be made by
8 the Mayor. In making any such appointment to fill any such
9 position the Mayor shall do so by appointing one of three
10 persons possessing the qualifications for such position who
11 shall be nominated and whose names shall be submitted to
12 the Mayor by a nonpartisan judicial nomination commission
13 established and organized in accordance with section 326
14 of this Act. Nothing in this Act shall be construed
15 to change or authorize the change of the tenure
16 of any persons occupying positions as judges of the municipal
17 courts of the District of Columbia on the effective date of
18 this part, and in no case may their compensation be
19 decreased.

20 (i) Except as limited by subsections (g) (2) and (h)
21 of this section, upon the effective date of this part, jurisdiction
22 over the municipal courts of the District of Columbia shall
23 vest with the District Council in all matters (other than the
24 appointment of judges) pertaining to the organization and
25 composition of such courts, and to the qualification, tenure,

1 and compensation of the judges thereof, but in no event shall
2 the Council transfer or modify any function performed by
3 the United States marshal or the United States attorney
4 for the District on the effective date of this part.

5 (j) Nothing in this section or elsewhere in this Act
6 shall be construed as authorizing the District Council to
7 modify or otherwise alter the jurisdiction, established by en-
8 actment of the Congress of the United States, of the United
9 States District Court for the District of Columbia or any other
10 United States court other than the municipal courts of the
11 District.

12 (k) Nothing in this Act shall be construed as vesting in
13 the District government any greater authority over the Wash-
14 ington Aqueduct, the Commission on Mental Health, the Na-
15 tional Zoological Park, the National Guard of the District of
16 Columbia, or, except as otherwise specifically provided in this
17 Act, over any Federal agency, than was vested in the Com-
18 missioner of the District prior to the effective date of part 2,
19 title III, of this Act.

20 NONPARTISAN JUDICIAL NOMINATION COMMISSION

21 SEC. 326. (a) There is hereby established the Nonpar-
22 tisan Judicial Nomination Commission (referred to in this
23 section as the "Commission"). The Commission shall consist
24 of five members selected in accordance with the provisions of
25 subsection (b) of this section, and shall serve for terms of six

1 years, except that of the members initially selected in accord-
2 ance with subsection (b) (1) (A), one shall serve for three
3 years and one shall serve for six years, and with respect to
4 the members initially selected in accordance with subsection
5 (b) (1) (B), one shall serve for three years and one shall
6 serve for six years. In making their respective initial appoint-
7 ments, the Mayor shall designate, at the time of such appoint-
8 ments, which appointee shall have the short-term appoint-
9 ment.

10 (b) (1) Members of the Commission shall be appointed
11 as follows:

12 (A) two members shall be appointed by the Mayor
13 from a list of not less than three nominees for each such
14 office to be filled submitted to him by the District of
15 Columbia Bar; and

16 (B) two members, who shall be nonlawyers, shall
17 be appointed by the Mayor from a list of not less than
18 three nominees for each such office to be filled submitted
19 to him by the Council.

20 (2) The chief judge of the District of Columbia Court
21 of Appeals shall be a member of the Commission and shall
22 serve as chairman.

23 (3) It shall be the function of the Commission to submit
24 nominees for appointment to positions as judges of the munic-

1 ipal courts of the District of Columbia in accordance with sec-
2 tion 325 (h) of this Act.

3 (c) Any vacancy in the Commission shall not affect its
4 powers but shall be filled in the same manner in which the
5 original appointment was made. Any person so appointed to
6 fill a vacancy shall serve only for the remainder of the un-
7 expired term of his predecessor.

8 (d) (1) The Commission shall act only at a meeting and
9 may act only by the concurrence of a majority of its mem-
10 bers. The Chairman shall preside at any meeting at which he
11 is present, and, in his absence, the Commission shall choose
12 a member to act as temporary chairman.

13 (2) The Commission shall choose one of its members as
14 secretary. It shall be the duty of the secretary to prepare
15 and keep the minutes of all meetings. In the secretary's
16 absence, the Commission shall choose a member to be acting
17 secretary. The minutes shall record the names of the mem-
18 bers present, any objections to the holding of the meeting
19 on the ground of lack of or insufficiency of notice, any and
20 all action taken by the Commission, and any other matters
21 that the Commission may deem appropriate.

22 (e) When it is known that a vacancy will occur at a
23 definite future date, within sixty days, but the vacancy has
24 not yet occurred, the Commission, in order to facilitate the
25 administration of justice by preventing delay in filling court

1 vacancies so that all courts may have all judges ready to dis-
2 pose of their judicial business as nearly as may be possible,
3 may make its nominations and submit to the Mayor the
4 names of the persons nominated before the occurrence of
5 the vacancy.

6 (f) (1) The Commission should at all times take cog-
7 nizance of the fact that the best qualified nominees may be
8 those whom it would be most difficult to persuade to serve.
9 Accordingly, the Commission should not limit its consider-
10 ation to persons who have been suggested by others or to
11 persons who have indicated their willingness to serve. It shall
12 be in order for the Commission, in its discretion, to tender
13 nomination to one or more qualified persons, prior to, and
14 subject to, the formal action by the Commission in making
15 its nominations, in order to ascertain whether such a person
16 will agree to serve if nominated.

17 (2) The Commission may, in its discretion, publicize
18 some, all, or none of the names of the possible nominees who
19 have been suggested to it or whom it has under consideration.
20 In exercising such discretion the Commission should take
21 account of the fact that there may be lawyers who merely
22 desire the publicity, that there may be lawyers whom pub-
23 licity would deter from agreeing in advance to serve, and
24 that the Commission needs all pertinent information about
25 the possible nominees whom it is seriously considering. In no

1 case shall the Commission describe possible nominees as "ap-
2 plicants" or by any other term suggesting that they are
3 seeking to be nominated.

4 (3) The action of the Commission in making nomina-
5 tions with respect to any vacancy shall be taken only at a
6 meeting and only by the execution of a certificate of nomina-
7 tion (which may be in the form of a communication to the
8 Mayor), setting forth the nominations thereby made, signed
9 on behalf of the Commission by the Chairman and secretary.
10 The Commission or its Chairman shall forthwith cause the
11 original of such certificate to be transmitted to the Mayor.

12 (4) After the Commission has nominated and sub-
13 mitted to the Mayor the names of three persons for appoint-
14 ment to fill a vacancy in accordance with this section, any
15 name or names may be withdrawn for cause deemed by such
16 Commission to be of a substantial nature affecting the nom-
17 inee's qualifications and showing he is not a fit and proper
18 person to hold the office, and another name or names may
19 be substituted therefor at any time before the Mayor acts
20 by making an appointment to fill such vacancy. Nothing
21 herein contained shall be deemed to impose (or to recog-
22 nize) any obligation whatsoever upon the Commission to
23 reconsider or withdraw any nomination, whether or not
24 the Mayor shall have requested reconsideration thereof, or
25 shall have purported to reject, such nominations. If any

1 nominee dies or requests in writing that his name be with-
2 drawn, the Commission shall nominate another person to
3 replace him. Whenever there are existing at the same time
4 two or more vacancies in the same court, and the Commis-
5 sion has nominated and submitted to the Mayor lists of
6 three persons for each of such vacancies, the Commission, in
7 its sole discretion may, if it desires to do so, before the
8 Mayor acts by making an appointment, withdraw the lists
9 of nominations, change the names of any of such persons
10 nominated from one list to another and resubmit them as so
11 changed, and may substitute a new name for any of those
12 previously nominated when a name has been withdrawn for
13 cause.

14 (5) The action of the Commission in withdrawing a
15 nomination or nominations and submitting a new nomination
16 or nominations shall be taken only at a meeting and only
17 by the execution of a certificate of withdrawal of nomination
18 and a certificate of substitutive nomination (both of which
19 may be in the form of a communication to the Mayor) signed
20 on behalf of the Commission by the Chairman and secretary
21 of the Commission. If any nomination or nominations being
22 withdrawn have already been transmitted to the Mayor, the
23 Commission or its Chairman shall forthwith notify the Mayor
24 by telegram of the Commission's action and cause the original
25 of such certificate of withdrawal to be transmitted to the

1 Mayor. Meetings of the Commission to consider the with-
2 drawal of nominations may be called by the Chairman or a
3 majority of such Commission. Action of the Commission in
4 withdrawing nominations may be taken at the same meeting
5 at which the nominations were made, or at any later meeting,
6 and such action may be proposed by any member of the
7 Commission.

8 PART 3—ORGANIZATION AND PROCEDURE OF THE

9 DISTRICT COUNCIL

10 THE CHAIRMAN

11 SEC. 331. (a) The Chairman of the District Council
12 shall be the presiding officer of the Council. The District
13 Council shall elect from among its members, for a term of
14 two years, a Vice Chairman.

15 (b) When the Mayor is absent or unable to act, the
16 Chairman of the Council shall act in his stead. When the
17 Chairman of the Council is absent or unable to act, the Vice
18 Chairman shall act in his stead.

19 (c) In the event that the Chairman of the Council
20 becomes Mayor by reason of a vacancy in the office of
21 Mayor (as provided in section 401 (b) (2) of this Act),
22 the Vice Chairman shall serve as Chairman in accordance
23 with the provisions of section 10 (e) (2) (A) of the District
24 of Columbia Election Act, as amended by title VIII of this
25 Act.

1 SECRETARY OF THE DISTRICT COUNCIL; RECORDS AND
2 DOCUMENTS

3 SEC. 332. (a) The Council shall appoint a Secretary as
4 its chief administrative officer and such assistants and clerical
5 personnel as may be necessary. Notwithstanding any other
6 provision of this Act, the compensation and other terms of
7 employment of such Secretary, assistants, and clerical person-
8 nel shall be prescribed by the Council.

9 (b) The Secretary shall (1) keep a record of the pro-
10 ceedings of the Council, (2) keep a record showing the
11 text of all acts introduced and the ayes and noes of each vote,
12 (3) authenticate by his signature and record in full in a
13 continuing record kept for that purpose all acts passed by the
14 Council, including the date and time that each such act takes
15 effect, and (4) perform such other duties as the Council
16 may from time to time prescribe.

17 (c) The records required by subsection (b) shall be
18 available for public inspection during normal business hours
19 and copies of the records shall be made available for pur-
20 chase under such conditions and upon the payment of such
21 fees as the Council shall deem appropriate.

22 MEETINGS

23 SEC. 333. (a) A majority of the District Council shall
24 constitute a quorum for the lawful convening of any meet-

1 ing of the Council and for the transaction of business of
2 the Council.

3 (b) The first meeting of the Council after this part
4 takes effect shall be called by the Chairman of the District
5 Council.

6 (c) The Council shall provide for the time and place
7 of its regular meetings. The Council shall hold at least one
8 regular meeting in each calendar week except during the
9 month of August. Special meetings may be called, upon the
10 giving of adequate notice, by the Mayor, the Chairman, or
11 any three members of the Council.

12 (d) Meetings of the Council shall be open to the public
13 and shall be held at reasonable hours and at such places as
14 may be necessary to accommodate a reasonable number of
15 spectators. Any citizen shall have the right to petition and
16 be heard by the Council at any of its meetings, within
17 reasonable limits as set by the Council.

18

COMMITTEES

19 SEC. 334. The Council Chairman, with the advice and
20 consent of the Council, shall determine the standing and
21 special committees which may be expedient for the conduct
22 of the Council's business. The Chairman shall appoint
23 members to such committees. All committee meetings shall
24 be open to the public.

1 ACTS AND RESOLUTIONS

2 SEC. 335. (a) The Council, to discharge the powers and
3 duties imposed herein, shall pass acts and adopt resolutions,
4 upon a vote of a majority of the members of the Council
5 present and voting, unless otherwise provided herein. The
6 Council shall use acts for all legislative purposes. Resolutions
7 shall be used to express simple determinations, decisions, or
8 directions of the Council of a special or temporary character.

9 (b) (1) The enacting clause of all acts passed by the
10 Council shall be, "Be it enacted by the Council of the
11 District of Columbia:".

12 (2) The resolving clause of all resolutions passed by the
13 Council shall be, "The Council of the District of Columbia
14 hereby resolves,".

15 (c) A special election may be called by resolution of the
16 Council to present for an advisory referendum vote of the
17 people any proposition upon which the Council desires to
18 take action.

19 PASSAGE OF ACTS

20 SEC. 336. The Council shall not pass any act before
21 the thirteenth day following the day on which it is intro-
22 duced. Subject to the other limitations of this Act, this
23 requirement may be waived by the unanimous vote of the

1 members present, if such members present constitute a ma-
2 jority of the Council.

3 INVESTIGATIONS BY DISTRICT COUNCIL

4 SEC. 337. (a) The Council, or any committee or per-
5 son authorized by it, shall have power to investigate any
6 matter relating to the affairs of the District; and for that
7 purpose may require the attendance and testimony of wit-
8 nesses and the production of books, papers, and other evi-
9 dence. For such purpose any member of the Council (if
10 the Council is conducting the inquiry) or any member of
11 the committee may issue subpoenas and administer oaths
12 upon authorization by the Council or committee as
13 appropriate.

14 (b) In case of contumacy by, or refusal to obey a sub-
15 pena issued to, any person, the Council shall have power to
16 refer the matter to any judge of the United States District
17 Court for the District of Columbia, who may by order require
18 such person to appear and to give or produce testimony or
19 books, papers, or other evidence, bearing upon the matter
20 under investigation; and any failure to obey such order may
21 be punished by such court as a contempt thereof as in the
22 case of failure to obey a subpoena issued, or to testify, in a
23 case pending before such court.

TITLE IV—MAYOR

ELECTION, QUALIFICATIONS, AND SALARY

1
2
3 SEC. 401. (a) There is hereby created the office of
4 Mayor of the District of Columbia. The Mayor shall be
5 elected as provided in title VIII. The term of office of the
6 Mayor shall be four years, beginning at noon on January 2
7 of the calendar year next following the calendar year in
8 which he is elected.

9 (b) (1) No person shall hold the office of Mayor unless
10 he (1) is a qualified voter, (2) is domiciled and resides in
11 the District, (3) has, during the three years next preceding
12 his nomination, been resident in and domiciled in the Dis-
13 trict, and (4) is not engaged in any employment (whether
14 as an employee or as a self-employed individual) and holds
15 no public office or position (other than his employment in
16 and position as Mayor), for which he is compensated in an
17 amount in excess of his actual expenses in connection there-
18 with, except that nothing in this clause shall be construed
19 as prohibiting such person, while holding the office of Mayor,
20 from serving as a delegate or alternate delegate to a con-
21 vention of a political party nominating candidates for Presi-
22 dent and Vice President of the United States, or from hold-
23 ing an appointment in a Reserve component of an armed

1 force of the United States other than a member serving on
2 active duty under a call for more than thirty days. The Mayor
3 shall forfeit his office upon failure to maintain the qualifica-
4 tions required by this section.

5 (2) When the office of Mayor is vacant, the Chairman
6 of the District Council shall, immediately upon the creation
7 of such vacancy, become Mayor and shall serve for the
8 remainder of the unexpired term of his predecessor vacating
9 such office.

10 (c) The Mayor shall receive an annual salary in an
11 amount established by act passed by the Council, and an
12 allowance, in such amount as the Council shall establish,
13 for official reception and representation expenses, which he
14 shall certify in reasonable detail to the District Council. Such
15 salary shall be payable in periodic installments.

16 (d) Subject to the provision of subsection (c) relating
17 to compensation, the method of election, the qualifications
18 for office, the compensation and the allowance for official ex-
19 penses pertaining to the office of Mayor may be changed by
20 acts passed by the Council, except that no such act (other
21 than an act involving compensation or allowance) shall
22 take effect until after it has been assented to by a major-
23 ity of the qualified voters of the District voting at an elec-
24 tion on the proposition set forth in such act.

1 POWERS AND DUTIES

2 SEC. 402. The executive power of the District shall be
3 vested in the Mayor who shall be the chief executive officer
4 of the District government. He shall be responsible for the
5 proper administration of the affairs of the District coming
6 under his jurisdiction or control, and to that end shall have
7 the following powers, duties, and functions:

8 (1) The Mayor shall designate the officer or officers of
9 the executive department of the District who shall, during
10 periods of disability or absence from the District of the Mayor
11 and the Chairman of the Council, execute and perform all
12 the powers and duties of the Mayor.

13 (2) The Mayor shall act as the official spokesman for
14 the District and as the head of the District for ceremonial
15 purposes.

16 (3) The Mayor shall administer all laws relating to the
17 appointment, promotion, discipline, separation, and other con-
18 ditions of employment of personnel in the office of the Mayor,
19 personnel in executive departments of the District, and mem-
20 bers of boards, commissions, and other agencies, who, under
21 laws in effect on the date immediately preceding the effec-
22 tive date of section 321 (a) of this Act, were subject to
23 appointment and removal by the Commissioner of the Dis-
24 trict of Columbia. All actions affecting such personnel and
25 such members shall, until such time as legislation is enacted

1 by the Council superseding such laws and establishing a
2 permanent District government merit system or systems,
3 pursuant to section 402 (4), continue to be subject to the
4 provisions of Acts of Congress relating to the appointment,
5 promotion, discipline, separation, and other conditions of
6 employment applicable to officers and employees of the Dis-
7 trict government, to section 1001 (d) of this Act, and where
8 applicable, to the provisions of the joint agreement between
9 the Commissioners and the Civil Service Commission author-
10 ized by Executive Order Numbered 5491 of November 18,
11 1930, relating to the appointment of District personnel. He
12 shall appoint or assign persons to positions formerly occu-
13 pied, ex officio, by the Commissioner of the District of Colum-
14 bia or by the Assistant to the Commissioner and shall have
15 power to remove such persons from such positions. The offi-
16 cers and employees of each agency with respect to which
17 legislative power is delegated by this Act and which, im-
18 mediately prior to the effective date of section 321 (a) of
19 this Act, was not subject to the administrative control of the
20 Commissioner of the District, shall continue to be appointed
21 and removed in accordance with applicable laws until such
22 time as such laws may be superseded by legislation passed by
23 the Council establishing a permanent District government
24 merit system or systems pursuant to section 402 (4).

25 (4) The Mayor shall administer the personnel functions

1 of the District covering employees of all District depart-
2 ments, boards, commissions, offices, and agencies, except as
3 otherwise provided by this Act. Personnel legislation enacted
4 by Congress, prior to or after the effective date of this section,
5 including, without limitation, legislation relating to appoint-
6 ments, promotions, discipline, separations, pay, unemploy-
7 ment compensation, health, disability and death benefits,
8 leave, retirement, insurance, and veterans' preference appli-
9 cable to employees of the District government as set forth
10 in section 1002 (c) , shall continue to be applicable until such
11 time as the Council shall, pursuant to this section, provide
12 for coverage under a District government merit system or
13 systems. The District government merit system or systems
14 shall be established by legislation of the Council. The sys-
15 tem or systems may provide for continued participation in
16 all or part of the Federal Civil Service System and shall
17 provide for persons employed by the District government
18 immediately preceding the effective date of such system or
19 systems personnel benefits, including but not limited to pay,
20 tenure, leave, residence, retirement, health and life insur-
21 ance, and employee disability and death benefits, all at least
22 equal to those provided by legislation enacted by Congress,
23 or regulation adopted pursuant thereto, and applicable to
24 such officers and employees immediately prior to the effec-
25 tive date of the system or systems established pursuant to

1 this Act. The District government merit system or systems
2 shall take effect not earlier than one year nor later than five
3 years after the effective date of this section.

4 (5) The Mayor shall, through the heads of administra-
5 tive boards, offices, and agencies, supervise and direct the
6 activities of such boards, offices, and agencies.

7 (6) The Mayor shall, at the end of each fiscal year,
8 prepare reports for such year of (A) the finances of the
9 District, and (B) the administrative activities of the execu-
10 tive office of the Mayor and the executive departments of the
11 District. He shall submit such reports to the Council within
12 ninety days after the close of the fiscal year.

13 (7) The Mayor shall keep the Council advised of the
14 financial condition and future needs of the District and make
15 such recommendations to the Council as may seem to him
16 desirable.

17 (8) The Mayor may submit drafts of acts to the Council.

18 (9) The Mayor may delegate any of his functions
19 (other than the function of approving or disapproving acts
20 passed by the Council or the function of approving contracts
21 between the District and the Federal Government under sec-
22 tion 901) to any officer, employee, or agency of the executive
23 office of the Mayor, or to any director of an executive de-
24 partment who may, with the approval of the Mayor, make

1 a further delegation of all or a part of such functions to
2 subordinates under his jurisdictions.

3 (10) The Mayor shall appoint a City Administrator,
4 who shall serve at the pleasure of the Mayor. The City
5 Administrator shall be the chief administrative officer of
6 the Mayor, and he shall assist the Mayor in carrying out
7 his functions under this act, and shall perform such other
8 duties as may be assigned to him by the Mayor. The City
9 Administrator shall be paid at a rate equal to the maximum
10 rate for GS-18 of the General Schedule under section 5332
11 of title 5, United States Code, plus \$500, except that, effec-
12 tive on and after the establishment of any District govern-
13 ment merit system by legislation of the Council, the City
14 Administrator shall be paid at a rate equal to that paid to
15 the highest paid employee of the District government pursu-
16 ant to such merit system or systems so established by legisla-
17 tion of the Council, plus \$500.

18 (11) The Mayor may propose to the executive or legis-
19 lative branch of the United States Government legislation
20 or other action dealing with any subject whether or not
21 falling within the authority of the District government, as
22 defined in this Act.

23 (12) The Mayor, as custodian thereof, shall use and

1 authenticate the corporate seal of the District in accordance
2 with law.

3 (13) The Mayor shall have the right, under rules to
4 be adopted by the Council, to be heard by the Council or
5 any of its committees.

6 (14) The Mayor is authorized to issue and enforce ad-
7 ministrative orders, not inconsistent with this or any other
8 Act of the Congress or any act of the Council, as are neces-
9 sary to carry out his functions and duties.

10 TITLE V—THE DISTRICT BUDGET

11 PART 1—BUDGET

12 FISCAL YEAR

13 SEC. 501. The fiscal year of the District of Columbia
14 shall begin on the 1st day of July and shall end on the
15 30th day of June of the succeeding calendar year. Such
16 fiscal year shall also constitute the budget and accounting
17 year.

18 BUDGETARY DETAILS FIXED BY MAYOR

19 SEC. 502. (a) The Mayor shall prepare and submit
20 not later than March 15, to the District Council, in such form
21 and manner as the Mayor shall determine, the annual budget
22 of the District and the budget message.

23 (b) The Mayor shall, in consultation with the Council,
24 take whatever action may be necessary to achieve, insofar
25 as is possible (1) consistency in accounting and budget
26 classifications, (2) synchronization between accounting and

- 1 budget classifications and organizational structure, and (3)
- 2 support of the budget justifications by information on per-
- 3 formance and program costs as shown by the accounts.

4 ADOPTION OF BUDGET

5 SEC. 503. A budget for each fiscal year shall be adopted
6 by the Council, by act, not later than April 15 of the fiscal
7 year preceding the fiscal year during which such budget is
8 applicable, except that the Council may, by resolution, ex-
9 tend the period for the adoption of such budget. In no event,
10 however, shall any such extension extend beyond June 1 of
11 that preceding fiscal year, unless such extension is accom-
12 panied by a continuing resolution funding expenditures for
13 the next following fiscal year at the same rate as for such
14 preceding fiscal year.

15 BUDGET ESTABLISHES APPROPRIATIONS

16 SEC. 504. The adoption of the budget by act or a con-
17 tinuing resolution, pursuant to section 503, of the Council
18 shall operate to appropriate and to make available for ex-
19 penditure, for the purposes therein named, the several
20 amounts stated therein as proposed expenditures, subject to
21 the provisions of section 505.

22 FINANCIAL DUTIES OF THE MAYOR

23 SEC. 505. The Mayor, through his duly designated sub-
24 ordinates, shall have charge of the administration of the
25 financial affairs of the District and to that end he shall—

1 (1) supervise and be responsible for all financial
2 transactions to insure adequate control of revenues and
3 resources and to insure that appropriations are not
4 exceeded;

5 (2) maintain systems of accounting and internal
6 control designed to provide—

7 (A) full disclosure of the financial results of the
8 District government's activities,

9 (B) adequate financial information needed by
10 the District government for management purposes,

11 (C) effective control over and accountability
12 for all funds, property, and other assets;

13 (3) submit to the Council a monthly financial state-
14 ment, by appropriation and department, and in any
15 further detail the Council may specify;

16 (4) submit to the Council no later than December
17 31 following each fiscal year, a complete financial state-
18 ment and report;

19 (5) supervise and be responsible for the assessment
20 of all property subject to assessment within the corporate
21 limits of the District for taxation, make all special assess-
22 ments for the District government, prepare tax maps,
23 and give such notice of taxes and special assessments as
24 may be required by law;

25 (6) supervise and be responsible for the assessment

1 and collection of all taxes, special assessments, license
2 fees, and other revenues of the District for the collection
3 of which the District is responsible and receive all money
4 receivable by the District from the Federal Government,
5 or from any court, or from any agency of the District;

6 (7) have custody of all public funds belonging to
7 or under the control of the District, or any agency of the
8 District government, and deposit all funds coming into
9 his hands, in such depositories as may be designated and
10 under such terms and conditions as may be prescribed by
11 act of the Council;

12 (8) have custody of all investments and invested
13 funds of the District government, or in possession of
14 such government in a fiduciary capacity, and have the
15 safekeeping of all bonds and notes of the District and
16 the receipt and delivery of District bonds and notes for
17 transfer, registration, or exchange.

18 CONTROL OF APPROPRIATIONS

19 SEC. 506. The Mayor, with the concurrence of the
20 Council, may provide for (1) the transfer during the
21 budget year of any appropriation balance then available for
22 one item of appropriation to another item of appropriation,
23 and (2) the allocation to new items of funds appropriated
24 for contingent expenditure.

1 ACCOUNTING SUPERVISION AND CONTROL

2 SEC. 507. The Mayor, through his duly authorized sub-
3 ordinates, shall—

4 (1) prescribe the forms of receipts, vouchers, bills,
5 and claims to be used by all the agencies, offices, and
6 instrumentalities of the District government;

7 (2) examine and approve all contracts, orders, and
8 other documents by which the District government
9 incurs financial obligations, having previously ascer-
10 tained that moneys have been appropriated and allotted
11 and will be available when the obligations shall become
12 due and payable;

13 (3) audit and approve before payment all bills, in-
14 voices, payrolls, and other evidences of claims, demands,
15 or charges against the District government and with
16 the advice of the legal officials of the District determine
17 the regularity, legality, and correctness of such claims,
18 demands, or charges; and

19 (4) perform internal audits of central accounting
20 and department and agency records of the District gov-
21 ernment, including the examination of any accounts or
22 records of financial transactions, giving due considera-
23 tion to the effectiveness of accounting systems, internal
24 control, and related administrative practices of the re-
25 spective agencies.

1 GENERAL FUND

2 SEC. 508. The general fund of the District shall be
3 composed of the revenues of the District other than the
4 revenues applied by law to special funds. All moneys received
5 by any agency, officer, or employee of the District in its or
6 his official capacity shall belong to the District government
7 and shall be paid promptly to the Mayor, or his duly author-
8 ized subordinates, for deposit in the appropriate funds.

9 CONTRACTS EXTENDING BEYOND ONE YEAR

10 SEC. 509. No contract involving expenditure out of an
11 appropriation which is available for more than one year
12 shall be made for a period of more than five years unless,
13 with respect to a particular contract, the Council, by a two-
14 thirds vote of its members present and voting, authorizes the
15 extension of such period for such contract. Such contracts
16 shall be made pursuant to criteria established by act of the
17 Council.

18 ANNUAL BUDGET FOR THE BOARD OF EDUCATION

19 SEC. 510. With respect to the annual budget for the
20 Board of Education in the District of Columbia, the Mayor
21 and the Council may establish the maximum amount of funds
22 which will be appropriated to the Board, but may not spec-
23 ify the purposes for which such funds may be expended or
24 the amount of such funds which may be expended for the

1 various programs under the jurisdiction of the Board of
2 Education.

3 PART 2—ANNUAL POSTAUDIT BY GENERAL

4 ACCOUNTING OFFICE

5 INDEPENDENT ANNUAL POSTAUDIT

6 SEC. 521. (a) The financial transactions shall be audited
7 by the General Accounting Office in accordance with such
8 principles and procedures and under such rules and regula-
9 tions as may be prescribed by the Comptroller General of
10 the United States. In the determination of the auditing pro-
11 cedures to be followed and the extent of the examination of
12 vouchers and other documents, the Comptroller General
13 shall give due regard to generally accepted principles of
14 auditing, including consideration of the effectiveness of the
15 accounting organizations and systems, internal audit and
16 control, and related administrative practices. The audit shall
17 be conducted at the place or places where the accounts are
18 normally kept. The representatives of the General Account-
19 ing Office shall have access to all books, accounts, financial
20 records, reports, files, and all other papers, things, or prop-
21 erty belonging to or in use by the District and necessary to
22 facilitate the audit, and such representatives shall be afforded
23 full facilities for verifying transactions with the balances or
24 securities held by depositories, fiscal agents, and custodians.
25 The District of Columbia shall reimburse the General Ac-

1 counting Office for expenses of such audit in such amounts
2 as may be agreed upon by the Mayor and the Comptroller
3 General, and the amounts so reimbursed shall be deposited
4 into the Treasury of the United States as miscellaneous
5 receipts.

6 (b) (1) The Comptroller General shall submit his audit
7 reports to the Congress, the Mayor, and the Council. The
8 reports shall set forth the scope of the audits and shall include
9 such comments and information as the Comptroller General
10 may deem necessary to keep the Congress, the Mayor, and
11 the Council informed of the operations to which the reports
12 relate, together with such recommendations with respect
13 thereto as the Comptroller General may deem advisable. The
14 reports shall show specifically every program, expenditure,
15 and other financial transaction or undertaking which, in the
16 opinion of the Comptroller General, has been carried on or
17 made without authority of law.

18 (2) After the Mayor and his duly authorized subordi-
19 nates have had an opportunity to be heard, the Council shall
20 make such report, together with such other material as it
21 deems pertinent thereto, available for public inspection.

22 (3) The Mayor, within ninety days after the report has
23 been made to him and the Council, shall state in writing to
24 the Council, with a copy to the Congress, what has been

1 done to comply with the recommendations made by the
2 Comptroller General in the report.

3 AMENDMENT OF BUDGETARY AND ACCOUNTING ACT

4 SEC. 522. Section 2 of the Budgetary and Accounting
5 Act, 1921 (31 U.S.C. 2), is hereby amended by striking out
6 "and the municipal government of the District of Columbia".

7 PART 3—ADJUSTMENT OF FEDERAL AND DISTRICT
8 EXPENSES

9 ADJUSTMENTS

10 SEC. 531. (a) Subject to section 901 and other provi-
11 sions of law, the Mayor, with the approval of the Council,
12 and the Director of the Office of Management and Budget,
13 are authorized and empowered to enter into an agreement or
14 agreements concerning the manner and method by which
15 amounts owed by the District to the United States, or by
16 the United States to the District, shall be ascertained and
17 paid.

18 (b) The United States shall reimburse the District for
19 necessary expenses incurred by the District in connection
20 with lawful assemblages, marches, and other demonstrations
21 in the District which relate solely to the Federal Govern-
22 ment. The manner and method of ascertaining and paying
23 the amounts needed to so reimburse the District shall be
24 determined by agreement entered into in accordance with
25 subsection (a) of this section.

1 (c) Each officer and employee of the District required to
2 do so by the District Council shall provide a bond with such
3 surety and in such amount as the Council may require. The
4 premiums for all such bonds shall be paid out of appropria-
5 tions for the District.

6 TITLE VI—BORROWING

7 PART 1—BORROWING FOR CAPITAL IMPROVEMENTS

8 BORROWING POWER; DEBT LIMITATIONS

9 SEC. 601. The District may incur indebtedness by issuing
10 its bonds in either coupon or registered form to fund or
11 refund indebtedness of the District at any time outstanding
12 and to pay the cost of constructing or acquiring any capital
13 projects requiring an expenditure greater than the amount of
14 taxes or other revenues allowed for such capital projects by
15 the annual budget: *Provided*, That no bonds or other evi-
16 dences of indebtedness, other than bonds to fund or refund
17 outstanding indebtedness shall be issued in an amount which,
18 together with indebtedness of the District to the Treasury of
19 the United States pursuant to existing law, shall cause the
20 aggregate of indebtedness of the District to exceed 12 per
21 centum of the average of the aggregate of all District reve-
22 nues received by the District during the ten fiscal year period
23 next preceding the fiscal year during which such bonds are
24 issued; nor shall such bonds or other evidences of indebted-
25 ness issued for purposes other than the construction or

1 acquisition of capital projects connected with mass transit,
2 highway, water, and sanitary sewage works purposes, or
3 any revenue-producing capital projects which are determined
4 by the Council to be self-liquidating exceed 6 per centum of
5 the average of the aggregate of all District revenues received
6 by the District during the ten fiscal year period next preced-
7 ing the fiscal year during which such bonds or indebtedness
8 are issued. Bonds or other evidences of indebtedness may
9 be issued by the District pursuant to an act of the Council
10 from time to time in amounts in the aggregate at any time
11 outstanding not exceeding 2 per centum of such average
12 amount of District revenues for such ten year period,
13 exclusive of indebtedness owing to the United States on the
14 effective date of this title. All other bonds or evidence of
15 indebtedness, other than bonds to fund or refund outstanding
16 indebtedness, shall be issued only with the assent of a major-
17 ity of the qualified voters of the said District voting at an
18 election on the proposition of issuing such bonds. In deter-
19 mining the amount of indebtedness within all of the afore-
20 said limitation at any time outstanding there shall be de-
21 ducted from the aggregate of such indebtedness the amount
22 of the then current tax levy for the payment of the principal
23 of the outstanding bonded indebtedness of the District and
24 any other moneys set aside into any sinking fund and irrev-
25 ocably dedicated to the payment of such bonded indebted-

1 ness. The Council shall make provision for the payment of
2 any bonds issued pursuant to this title, in the manner pro-
3 vided in section 631 hereof.

4 CONTENTS OF BORROWING LEGISLATION; REFERENDUM ON
5 BOND ISSUE

6 SEC. 602. (a) The Council may by act authorize the
7 issuance of bonds: *Provided*, That such act shall contain at
8 least the following provisions:

9 (1) A provision setting forth a brief description
10 of each purpose for which indebtedness is proposed to
11 be incurred;

12 (2) A provision setting forth the maximum amount
13 of the principal of the indebtedness which may be
14 incurred for each such purpose;

15 (3) A provision setting forth the maximum rate of
16 interest to be paid on such indebtedness; and

17 (4) A provision setting forth, in the event that
18 the Council is required by this part or it is determined
19 by the Council in its discretion to submit the question
20 of issuing such bonds to a vote of the qualified voters of
21 the District, the manner of holding such election, the
22 manner of voting for or against the incurring of such
23 indebtedness, and the form of ballot to be used at such
24 election, which form shall permit the voters to vote
25 separately for or against the incurring of indebtedness

1 for each of the purposes for which indebtedness is pro-
2 posed to be incurred.

3 (b) The Council shall cause the proposition of issuing
4 such bonds to be submitted by the Board of Elections to the
5 qualified voters at the first general election to be held in the
6 District not less than forty days after the date of enactment
7 of the act authorizing such bonds, or upon a vote of at least
8 two-thirds of the members of the Council, the Council may
9 call a special election for the purpose of voting upon the
10 issuance of said bonds, such election to be held by the Board
11 of Elections at any date set by the Council not less than forty
12 days after the enactment of such act.

13 (c) The Board of Elections is authorized and directed to
14 prescribe the manner of registration and the polling places
15 and to name the judges and clerks of election and to make
16 such other rules and regulations for the conduct of such elec-
17 tions as are not specifically provided by the Council as may
18 be necessary or appropriate to carry out the provisions of
19 this section, including provisions for the publication of a
20 notice of such election stating briefly the proposition or
21 propositions to be voted on and the designated polling places
22 in the various precincts and wards in the District. The said
23 notice shall be published at least once a week for four con-
24 secutive calendar weeks on any day of the week, the first
25 publication thereof to be not less than thirty nor more than
26 forty days prior to the date fixed by the Council for the elec-

tion. The Board of Elections shall canvass the votes cast at such election and certify the results thereof to the Council in the manner prescribed for the canvass and certification of the results of general elections. The certification of the result of the election shall be published once by the Board of Elections as soon as practicable following the date of the election, but in no event later than six weeks thereafter.

PUBLICATION OF BORROWING LEGISLATION

SEC. 603. The Mayor shall publish any act authorizing the issuance of bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act authorizing the issuance of bonds published herewith has become effective, and the time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, as provided in the District of Columbia Charter Act, and will expire twenty days from the date of the first publication of this notice (or in the event the proposition of issuing the proposed bonds is to be submitted to the qualified voters, twenty days after the date of publication of the promulgation of the results of the election ordered by said act to be held).

"_____,"

"Mayor."

1 SHORT PERIOD OF LIMITATION

2 SEC. 604. Upon the expiration of twenty days from and
3 after the date of publication of the notice of the enactment
4 of an Act authorizing the issuance of bonds without the sub-
5 mission of the proposition for the issuance thereof to the
6 qualified voters, or upon the expiration of twenty days from
7 the date of publication of the promulgation of the results of
8 an election upon the proposition of issuing bonds, as the case
9 may be, all as provided in section 603—

10 (1) any recitals or statements of fact contained in
11 such act or in the preambles or the titles thereof or in
12 the results of the election of any proceedings in connec-
13 tion with the calling, holding, or conducting of election
14 upon the issuance of such bonds shall be deemed to be
15 true for the purpose of determining the validity of the
16 bonds thereby authorized, and the District and all others
17 interested shall thereafter be estopped from denying
18 same;

19 (2) such act and all proceedings in connection with
20 the authorization of the issuance of such bonds shall be
21 conclusively presumed to have been duly and regularly
22 taken, passed, and done by the District and the Board
23 of Elections in full compliance with the provisions of
24 this Act and of all laws applicable thereto;

25 (3) the validity of such act and said proceedings

1 shall not thereafter be questioned by either a party
2 plaintiff or a party defendant, and no court shall have
3 jurisdiction in any suit, action, or proceeding question-
4 ing the validity of same, except in a suit, action, or pro-
5 ceeding commenced prior to the expiration of such
6 twenty days.

7 ACTS FOR ISSUANCE OF BONDS

8 SEC. 605. After the expiration of the twenty-day limita-
9 tion period provided for in section 604 of this part, the
10 Council may by act establish an issue of bonds as authorized
11 pursuant to the provisions of sections 601 to 604, inclusive,
12 hereof. An issue of bonds is hereby defined to be all or any
13 part of an aggregate principal amount of bonds authorized
14 pursuant to said sections, but no indebtedness shall be deemed
15 to have been incurred within the meaning of this Act until
16 the bonds have been sold, delivered, and paid for, and
17 then only to the extent of the principal amount of bonds so
18 sold and delivered. The bonds of any authorized issue may
19 be issued all at one time, or from time to time in series and
20 in such amounts as the Council shall deem advisable. The
21 act authorizing the issuance of any series of bonds shall fix
22 the date of the bonds of such series, and the bonds of each
23 such series shall be payable in annual installments beginning
24 not more than three years after the date of the bonds and
25 ending not more than thirty years from such date. The

1 amount of said series to be payable in each year shall be so
2 fixed that when the annual interest is added to the principal
3 amount payable in each year the total amount payable in
4 each year in which part of the principal is payable shall be
5 substantially equal. It shall be an immaterial variance if
6 the difference between the largest and the smallest amounts
7 of principal and interest payable annually during the term
8 of the bonds does not exceed 3 per centum of the total
9 authorized amount of such series. Such act shall also pre-
10 scribe the form of the bonds to be issued thereunder, and of
11 the interest coupons appertaining thereto, and the manner in
12 which said bonds and coupons shall be executed. The bonds
13 and coupons may be executed by the facsimile signatures of
14 the officer or officers designated by the act authorizing the
15 bonds, to sign the bonds, with the exception that at least one
16 signature shall be manual. Such bonds may be issued in
17 coupon form in the denomination of \$1,000, registerable as
18 to principal only or as to both principal and interest, and if
19 registered as to both principal and interest may be issuable
20 in denominations of multiples of \$1,000. Such bonds and the
21 interest thereon may be payable at such place or places within
22 or without the District as the Council may determine.

23

• PUBLIC SALE

24 SEC. 606. All bonds issued under this part shall be sold
25 at public sale upon sealed proposals at such price or prices

1 as shall be approved by the Council after publication of a
2 notice of such sale at least once not less than ten days prior
3 to the date fixed for sale in a daily newspaper carrying
4 municipal bond notices and devoted primarily to financial
5 news or to the subject of State and municipal bonds pub-
6 lished in the city of New York, New York, and in a news-
7 paper of general circulation published in the District. Such
8 notice shall state, among other things, that no proposal shall
9 be considered unless there is deposited with the District as a
10 downpayment a certified check or cashier's check for an
11 amount equal to at least 2 per centum of the par amount of
12 bonds bid for, and the Council shall reserve the right to
13 reject any and all bids.

14 PART 2—SHORT-TERM BORROWING

15 BORROWING TO MEET APPROPRIATIONS

16 SEC. 621. In the absence of unappropriated available
17 revenues to meet appropriations made pursuant to section
18 504, the Council may by act authorize the issuance of
19 negotiable notes, in a total amount not to exceed 5 per
20 centum of the total appropriations for the current fiscal year,
21 each of which may be renewed from time to time, but all
22 such notes and renewals thereof shall be paid not later than
23 the close of the fiscal year following that in which such
24 Act becomes effective.

1 BORROWING IN ANTICIPATION OF REVENUES

2 SEC. 622. For any fiscal year, in anticipation of the col-
 3 lection or receipt of revenues of that fiscal year, the Council
 4 may by act authorize the borrowing of money by the execu-
 5 tion of negotiable notes of the District, not to exceed in the
 6 aggregate at any time outstanding 20 per centum of the total
 7 anticipated revenue, each of which shall be designated
 8 "Revenue Note for the Fiscal Year 19 ". Such notes may
 9 be renewed from time to time, but all such notes, together
 10 with the renewals, shall mature and be paid not later than
 11 the end of the fiscal year for which the original notes have
 12 been issued.

13 NOTES REDEEMABLE PRIOR TO MATURITY

14 SEC. 623. No notes issued pursuant to this part shall be
 15 made payable on demand, but any note may be made subject
 16 to redemption prior to maturity on such notice and at such
 17 time as may be stated in the note.

18 SALE OF NOTES

19 SEC. 624. All notes issued pursuant to this part may be
 20 sold at not less than par and accrued interest at private sale
 21 without previous advertising.

22 PART 3—PAYMENT OF BONDS AND NOTES

23 SPECIAL TAX

24 SEC. 631. (a) The act of the Council authorizing the
 25 issuance of bonds pursuant to this title, shall, where neces-
 26 sary, provide for the levy annually of a special tax without

1 limitation as to rate or amount upon all the taxable real and
2 personal tangible property within the District in amounts
3 which, together with other revenues of the District available
4 and applicable for said purposes, will be sufficient to pay the
5 principal of and interest on said bonds and the premium, if
6 any, upon the redemption thereof, as the same respectively
7 become due and payable, which tax shall be levied and col-
8 lected at the same time and in the same manner as other
9 District taxes are levied and collected, and when collected
10 shall be set aside in a sinking fund and irrevocably dedicated
11 to the payment of such principal, interest, and premium.

12 (b) The full faith and credit of the District shall be and
13 is hereby pledged for the payment of the principal of and
14 the interest on all bonds and notes of the District hereafter
15 issued pursuant to this title whether or not such pledge be
16 stated in the bonds or notes or in the act authorizing the
17 issuance thereof.

18 (c) As soon as practicable following the beginning of
19 each fiscal year, the Mayor and the Comptroller General of
20 the United States shall review the amounts of District rev-
21 enues which have been set aside and deposited in a sinking
22 fund as provided in subsection (a). Such review shall be
23 carried out with a view to determining whether the amounts
24 so set aside and deposited are sufficient to pay the principal
25 of and interest on bonds issued pursuant to this title, and

1 the premium (if any) upon the redemption thereof, as the
 2 same respectively become due and payable. To the extent that
 3 the Mayor and the Comptroller General determine that suffi-
 4 cient District revenues have not been so set aside and
 5 deposited, the Federal payment made for the fiscal year
 6 within which such review is conducted shall be first utilized to
 7 make up any deficit in such sinking fund.

8 PART 4—TAX EXEMPTION—LEGAL INVESTMENT—WATER
 9 POLLUTION—RESERVOIRS—CONTRIBUTIONS—TERMI-
 10 NATION OF BORROWING AUTHORITY

11 TAX EXEMPTION

12 SEC. 641. Bonds and notes issued by the Council pur-
 13 suant to this title and the interest thereon shall be exempt
 14 from all Federal and District taxation except estate, inherit-
 15 ance, and gift taxes.

16 LEGAL INVESTMENT

17 SEC. 642. Notwithstanding any restriction on the in-
 18 vestment of funds by fiduciaries contained in any other law,
 19 all domestic insurance companies, domestic insurance asso-
 20 ciations, executors, administrators, guardians, trustees, and
 21 other fiduciaries within the District of Columbia may legally
 22 invest any sinking funds, moneys, trust funds, or other funds
 23 belonging to them or under or within their control in any
 24 bonds issued pursuant to this title, it being the purpose of
 25 this section to authorize the investment in such bonds or

1 notes of all sinking, insurance, retirement, compensation,
2 pension, and trust funds. National banking associations are
3 authorized to deal in, underwrite, purchase and sell, for their
4 own accounts or for the accounts of customers, bonds and
5 notes issued by the District Council to the same extent as
6 national banking associations are authorized by paragraph
7 seven of section 5136 of the Revised Statutes (12
8 U.S.C. 24), to deal in, underwrite, purchase and sell
9 obligations of the United States, States, or political subdivi-
10 sions thereof. All Federal building and loan associations
11 and Federal savings and loan associations; and banks, trust
12 companies, building and loan associations, and savings and
13 loan associations, domiciled in the District of Columbia, may
14 purchase, sell, underwrite, and deal in, for their own account
15 or for the account of others, all bonds or notes issued pur-
16 suant to this title: *Provided*, That nothing contained in this
17 section shall be construed as relieving any person, firm,
18 association, or corporation from any duty of exercising due
19 and reasonable care in selecting securities for purchase or
20 investment.

21 WATER POLLUTION

22 SEC. 643. (a) The Mayor shall annually estimate
23 the amount of the District's principal and interest expense
24 which is required to service District obligations attributable
25 to the Maryland and Virginia pro rata share of District sani-

1 tary water works and other water pollution projects which
2 provide service to the local jurisdictions in those States.
3 Such amounts as determined by the Mayor shall be used
4 to exclude the Maryland and Virginia share of pollution proj-
5 ects cost from the limitation on the District's capital pro-
6 gram obligations as provided in this title.

7 (b) The Mayor shall enter into agreements with the
8 States and local jurisdictions concerned for annual payments
9 to the District of rates and charges for waste treatment serv-
10 ices in accordance with the use and benefits made and de-
11 rived from the operation of the said waste treatment facilities.
12 Each such agreement shall require that the estimated
13 amount of such rates and charges will be paid in advance,
14 subject to adjustment after each year. Such rates and
15 charges shall be sufficient to cover the cost of construction,
16 interest on capital, operation and maintenance, and the
17 necessary replacement of equipment during the useful life of
18 the facility.

19 COST OF RESERVATIONS ON POTOMAC RIVER

20 SEC. 644. (a) The Mayor is authorized to contract
21 with the United States, any State in the Potomac River
22 Basin, any agency or political subdivision thereof, and any
23 other competent State or local authority, with respect to the
24 payment by the District of Columbia to the United States,
25 either directly or indirectly, of the District's equitable share:

1 of any part or parts of the non-Federal portion of the costs
2 of any reservoirs authorized by the Congress for construction
3 on the Potomac River or any of its tributaries. Every such
4 contract may contain such provisions as the Mayor may
5 deem necessary or appropriate.

6 (b) Unless hereafter otherwise provided by legislation
7 enacted by the Council, all payments made by the District
8 of Columbia and all moneys received by the District of
9 Columbia pursuant to any contract made under the authority
10 of this Act shall be paid from, or be deposited in, a fund
11 designated by the Mayor. Charges for water delivered from
12 the District of Columbia water system for use outside the
13 District of Columbia may be adjusted to reflect the portions
14 of any payments made by the District of Columbia under
15 contracts authorized by this Act which are equitably attrib-
16 utable to such use outside the District.

17 DISTRICT OF COLUMBIA CONTRIBUTIONS TO THE WASHING-
18 TON METROPOLITAN AREA TRANSIT AUTHORITY

19 SEC. 645. Notwithstanding any provision of law to the
20 contrary, beginning with fiscal year 1973 the District share
21 of the cost of the Adopted Regional System described in the
22 National Capital Transportation Act of 1969 (Public Law
23 91-143; 83 Stat. 320), shall be payable from the proceeds
24 of the sale of District obligations issued pursuant to the
25 authority contained in this title.

1 District of Columbia highway construction program, is
2 repealed.

3 (e) Nothing contained in this section shall be deemed
4 to relieve the District of its obligation to repay any loan
5 made to it under the authority of the Act specified in the
6 preceding subsections, nor to preclude the District from using
7 the unexpended balance of any such loan appropriated to the
8 District prior to the effective date of this provision.

9 TITLE VII—FEDERAL PAYMENT

10 ANNUAL FEDERAL PAYMENT TO THE DISTRICT

11 SEC. 701. (a) In recognition of the unique character of
12 the District of Columbia as the Nation's Capital City, regu-
13 lar annual payments by the Federal Government are hereby
14 authorized to cover the proper share of the expenses of the
15 District government. On or before January 10 of each year,
16 the Mayor shall, with the approval of the Council, submit to
17 the Secretary of the Treasury through the Comptroller
18 General a request for a Federal payment to be made during
19 the following fiscal year, and the amount of such payment
20 shall be computed in accordance with this part.

21 (b) The Federal payment for each fiscal year shall be
22 determined on the basis of a percentage of the amount of
23 District of Columbia fees, charges, miscellaneous receipts, and
24 tax revenues which the Mayor estimates, on the basis of fees,
25 charges, receipts, and tax rates authorized by law in effect at

1 the time of such estimate, will be credited to the general fund
2 of the District during such fiscal year as follows:

3 (1) For the fiscal year ending June 30, 1974, such
4 payment shall be an amount equal to $37\frac{1}{2}$ per centum of
5 such fees, charges, receipts, and revenues so estimated
6 for that fiscal year; and

7 (2) For the fiscal year ending June 30, 1975, and
8 for each fiscal year thereafter, such payment shall be an
9 amount equal to 40 per centum of such fees, charges,
10 receipts, and revenues so estimated for such fiscal year.

11 (c) Commencing with the fiscal year ending June 30,
12 1974, the amount of the Federal payment for any fiscal year
13 shall be adjusted by an amount equal to the difference be-
14 tween (1) the Federal payment made for such fiscal year
15 and (2) the per centum in effect for that fiscal year times
16 such fees, charges, miscellaneous receipts, and tax revenues
17 actually credited to the general fund during such fiscal year.

18 (d) After review by the Comptroller General of the
19 request for Federal payment and certification by him on or
20 before April 10 of the fiscal year preceding the fiscal year for
21 which the annual Federal payment is being requested that
22 such request is in conformity with the provisions of this part,
23 the Secretary of the Treasury shall, not later than Septem-
24 ber 1 of each fiscal year, cause such payment to be made to
25 the District out of any money in the Treasury not otherwise

1 appropriated, and the Secretary of the Treasury is authorized
2 to advance on or after July 1, out of any money in the
3 Treasury not otherwise appropriated, without interest, such
4 amounts (not to exceed in the aggregate the total payment
5 in the previous fiscal year) as may be required by the Dis-
6 trict pending the payment of the amount authorized by this
7 section.

8 (e) The Comptroller General shall enter into coopera-
9 tive arrangements with the Mayor whereby adjustments,
10 disputes, differences, or disagreements involving the Federal
11 payment may be resolved.

12 TITLE VIII—AMENDMENTS TO DISTRICT OF
13 COLUMBIA ELECTION ACT

14 AMENDMENTS

15 SEC. 801. The District of Columbia Election Act is
16 amended as follows:

17 (1) The first section of such Act is amended by insert-
18 ing immediately after "Board of Education," the follow-
19 ing: "the members of the Council of the District of Columbia,
20 the Mayor".

21 (2) Section 2 of such Act is amended (1) by striking
22 out subparagraph (A) in paragraph (2) thereof and insert-
23 ing in lieu: "(A) who, for the purpose of voting in an
24 election under this Act, has resided in the District con-
25 tinuously during the thirty-day period ending on the day

1 of such election and who does not claim voting residence
2 or right to vote in any State or territory"; and (2) by
3 adding at the end thereof the following new paragraphs:

4 " (8) The term 'Council' or 'Council of the District
5 of Columbia' means the Council of the District of Columbia
6 established pursuant to the District of Columbia Charter
7 Act.

8 " (9) The term 'Mayor' means the office of Mayor of
9 the District of Columbia established pursuant to the District
10 of Columbia Charter Act."

11 (3) (A) Section 3 of such Act is amended to read as
12 follows:

13 "SEC. 3. There is hereby created a Board of Elections
14 for the District of Columbia, to be composed of three mem-
15 bers appointed by the Mayor, by and with the advice and
16 consent of the District Council. The term of each such
17 member shall be three years from the expiration of the term
18 of his predecessor. Any person appointed to fill a vacancy
19 shall be appointed only for the unexpired term of his prede-
20 cessor. When a member's term of office expires, he may
21 continue to serve until his successor is appointed and has
22 qualified. The Mayor shall from time to time designate the
23 Chairman of the Board."

24 (B) The members of the Board of Elections in office
25 on the date when the Mayor first elected takes office shall

1 continue in office for the remainder of the terms for which
2 they were appointed.

3 (4) Subsections (h), (i), (j), and (k) of section 8
4 of such Act are amended to read as follows:

5 “(h) (1) (A) The Delegate, Mayor, Chairman of the
6 District Council, and the two at-large members of the Dis-
7 trict Council shall be elected by the qualified electors of the
8 District of Columbia in a general election. Each candidate
9 for the office of Delegate, Mayor, Chairman of the District
10 Council, and at-large members of the District Council in any
11 general election shall, except as otherwise provided in sub-
12 section (j) of this section and section 10 (d), have been
13 elected by the qualified electors of the District as such candi-
14 date by the next preceding primary or party runoff election.

15 “(B) (i) A member of the office of District Council
16 (other than the Chairman and any member elected at large)
17 shall be elected in a general election by the qualified electors
18 of the respective ward of the District from which the indi-
19 vidual seeking such office was elected as a candidate for
20 such office as provided in clause (ii) of this paragraph.

21 “(ii) Each candidate for the office of member of the
22 District Council (other than the Chairman and at-large mem-
23 bers) shall, except as otherwise provided in subsection (j)
24 of this section and section 10 (d), have been elected as such
25 a candidate, by the qualified electors of the ward of the Dis-

1 trict from which such individual was nominated, at the next
2 preceding primary or party runoff election to fill such office
3 within that ward.

4 “(2) The nomination and election of any individual to
5 the office of Delegate, Mayor, Chairman of the Council,
6 and member of the Council shall be governed by the provi-
7 sions of this Act. No political party shall be qualified to hold
8 a primary election to select candidates for election to any
9 such office in a general election unless, in the next preced-
10 ing election year, at least seven thousand five hundred votes
11 were cast in the general election for a candidate of such party
12 for any such office or for its candidates for electors of Presi-
13 dent and Vice President.

14 “(i) (1) Each individual in a primary election for can-
15 didate for the office of Delegate, Mayor, Chairman of the
16 Council, or at-large member of the Council shall be nom-
17 inated for any such office by a petition (A) filed with the
18 Board not later than forty-five days before the date of such
19 primary election; (B) signed by at least two thousand duly
20 registered voters of the same political party as the nominee,
21 or by 1 per centum of the duly registered members of such
22 political party, whichever is less, as shown by the records of
23 the Board of Elections as of ninety-nine days before the date
24 of such election, and (C) accompanied by a filing fee of
25 \$100.

1 “(2) Each individual in a primary election for candi-
2 date for the office of member of the Council (other than the
3 Chairman and at-large members) shall be nominated for
4 such office by a petition (A) filed with the Board not later
5 than forty-five days before the date of such primary election;
6 (B) signed by at least two hundred and fifty persons in the
7 ward from which such individual seeks election who are duly
8 registered in such ward under section 7 of this Act, and who
9 are of the same political party as the nominee; and (C)
10 accompanied by a filing fee of \$100. Any such filing fee
11 may be refunded only in the event that the candidate with-
12 draws his nomination by writing received by the Board not
13 later than three days after the date on which nominations are
14 closed under this subsection.

15 “(3) A nominating petition for a candidate in a pri-
16 mary election for any such office may not be circulated for
17 signature before the ninety-ninth day preceding the date of
18 such election and may not be filed with the Board before
19 the seventieth day preceding such date. The Board may
20 prescribe rules with respect to the preparation and presenta-
21 tion of nominating petitions and the posting and disposition
22 of filing fees. The Board shall arrange the ballot of each
23 political party in each such primary election as to enable
24 a voter of such party to vote for nominated candidates of
25 that party.

1 “(j) (1) A duly qualified candidate for the office of
2 Delegate, Mayor, Chairman of the Council, or member of
3 the Council may, subject to the provisions of this subsection,
4 be nominated directly as such a candidate for election for
5 such office (including any such election to be held to fill a
6 vacancy). Such person shall be nominated by a petition (A)
7 filed with the Board not less than forty-five days before the
8 date of such general election; (B) and in the case of a per-
9 son who is a candidate for the office of member of the Council
10 (other than the Chairman or an at-large member), signed
11 by five hundred voters who are duly registered under section
12 7 in the ward from which the candidate seeks election; and
13 in the case of a person who is a candidate for the office of
14 Delegate, Mayor, Chairman of the Council, or at-large mem-
15 ber of the Council, signed by duly registered voters equal
16 in number to 2 per centum of the total number of registered
17 voters in the District, as shown by the records of the Board
18 as of ninety-nine days before the date of such election, or
19 by five thousand persons duly registered under section 7,
20 whichever is less; and (C) accompanied by a filing fee
21 of \$100. Such fees may be refunded only in the event that
22 the candidate withdraws his nomination by writing re-
23 ceived by the Board not later than three days after the
24 date on which nominations are closed under this subsec-
25 tion. No signatures on such a petition may be counted

1 which have been made on such petition more than ninety-
2 nine days before the date of such election.

3 “(2) Nominations under this subsection for candidates
4 for election in a general election to any office referred to in
5 paragraph (1) shall be of no force and effect with respect to
6 any person whose name has appeared on the ballot of a
7 primary election for that office held within eight months
8 before the date of such general election.

9 “(k) (1) In each general election for the office of
10 member of the Council (other than the office of Chairman or
11 an at-large member) the Board shall arrange the ballots in
12 each ward to enable a voter registered in that ward to vote
13 for any one candidate who (A) has been duly elected by
14 any political party in the next preceding primary or party
15 runoff election for such office from such ward, (B) has
16 been duly nominated to fill a vacancy in such office in such
17 ward pursuant to section 10(d), or (C) has been nomi-
18 nated directly as a candidate for such office in such ward
19 under subsection (j) of this section.

20 “(2) In each general election for the office of mem-
21 ber of the Council at large, the Board shall arrange the
22 ballots to enable a registered voter to vote for as many can-
23 didates for election as members at large as there are members
24 at large to be elected in such election. Such candidates shall
25 be only those persons who (A) have been duly elected by

1 any political party in the next preceding primary or party
2 runoff election for such office, (B) have been duly nominated
3 to fill vacancies in such office pursuant to section 10 (d), or
4 (C) have been nominated directly as a candidate under sub-
5 section (j) of this section.

6 “(3) In each general election for the office of Dele-
7 gate, Mayor, or Chairman of the Council, the Board shall
8 arrange the ballots to enable a registered voter to vote for
9 any one of the candidates for any such office who (A) has
10 been duly elected by any political party in the next preced-
11 ing primary or party runoff election for such office, (B) has
12 been duly nominated to fill a vacancy in such office pursuant
13 to section 10 (d), or (C) has been nominated directly as a
14 candidate under subsection (j) of this section.”.

15 (5) Paragraph (3) of section 10 (a) of such Act is
16 amended (1) by inserting “(A)” immediately before the
17 word “Except”, and (2) by adding at the end thereof the
18 following:

19 “(B) (i) Except as otherwise provided in the case of
20 special elections under this Act and in subclause (ii) of this
21 clause, primary elections of each political party for the
22 offices of Chairman of the Council and member of the Coun-
23 cil (to be filled) shall be held on the first Tuesday in May
24 of each even-numbered year, and general elections for such

1 offices (to be filled) shall be held on the Tuesday next after
2 the first Monday in November of each even-numbered year.

3 “(ii) Notwithstanding the provisions of subclause (i) of
4 this clause, the initial primary election of each political
5 party for the offices of Mayor, Chairman of the Council,
6 and members of the Council shall be held on the first Tues-
7 day next following the expiration of the ninety-day period
8 following the date of the acceptance of the District of Colum-
9 bia Charter in accordance with the provisions of title XIV
10 of the District of Columbia Charter Act, and the initial gen-
11 eral election for such offices shall be held on the Tuesday
12 next after the first Monday in November 1972.

13 “(C) Except as otherwise provided in the case of a
14 special election under this Act, primary elections of each
15 political party for the office of Mayor shall be held on the
16 first Tuesday in May of each presidential election year, com-
17 mencing with calendar year 1972, and the general election
18 for such office shall be held on the Tuesday next after the
19 first Monday in November of each presidential election year
20 commencing with calendar year 1972.”.

21 (6) Paragraph (4) of section 10 (a) of such Act is
22 amended to read as follows:

23 “(4) (A) Runoff elections shall be held whenever (i)
24 in any primary election of a political party for candidates

1 for the office of Delegate, Mayor, Chairman of the Council,
2 member of the Council from a ward, or member of the Coun-
3 cil at large where only one at-large position is to be filled, no
4 one candidate for any such office receives at least 40 per
5 centum of the total votes cast in that election for all candi-
6 dates of that party for that office, and (ii) in any general
7 election for any such office, no one candidate receives at least
8 40 per centum of the total votes cast in that election for all
9 candidates for that office. The candidates in any such runoff
10 election for any such office shall be the two persons who re-
11 ceived, respectively, the two highest numbers of votes in
12 such preceding primary or general election for such office.
13 The candidate receiving the highest number of votes in
14 any such runoff election for such office shall be declared
15 elected.

16 “(B) (i) When more than one office of at-large mem-
17 ber of the Council is being filled in any primary election
18 of a political party, the candidates for such offices who re-
19 ceive the highest number of votes shall be declared elected,
20 except that no candidate shall be declared elected who
21 does not receive at least 40 per centum of the number of
22 all votes cast in that election for all candidates of that party
23 for such offices divided by the number of at-large offices to
24 be filled in such election. Where one or more of the at-large
25 positions remains unfilled, a runoff election shall be held.

1 The candidates in such runoff election shall be those un-
2 successful candidates, in number not more than one more
3 than the number of such offices to be filled, who in such
4 primary next preceding such runoff election, received the
5 highest number of votes less than 40 per centum.

6 “(ii) When more than one office of at-large member of
7 the Council is being filled in any general election, the candi-
8 dates for such offices who receive the highest number of
9 votes shall be declared elected, except that no candidate
10 shall be declared elected who does not receive at least 40
11 per centum of the number of all votes cast in that election
12 for all candidates for such offices to be filled in such election
13 divided by the number of at-large offices to be so filled.
14 Where one or more of the at-large positions remain unfilled,
15 a runoff election shall be held. The candidates in such run-
16 off election shall be those unsuccessful candidates, in number
17 not more than one more than the number of such offices to
18 be filled, who in such preceding general election received the
19 highest number of votes less than 40 per centum. The candi-
20 date or candidates, as the case may be, receiving the highest
21 number of votes shall be declared elected.

22 “(C) If any person withdraws his candidacy from any
23 such runoff election (under the rules and within the time
24 limits prescribed by the Board), or dies before the date
25 of the election, the person who received the same number of

1 votes in such preceding primary or general election, as the
2 case may be, next preceding such runoff election as a candi-
3 date in such runoff election or who received a number of
4 votes in such primary or general election which is next high-
5 est to the number of votes in any such election received by
6 a candidate in the runoff election, and who is not already
7 a candidate in the runoff election, shall automatically be-
8 come such a candidate in such runoff election.

9 “(D) Any such runoff election shall be held not less
10 than two weeks nor more than six weeks after the date on
11 which the Board has determined the results of the preced-
12 ing primary or general election, as the case may be. At the
13 time of announcing any such determination, the Board shall
14 establish and announce the date on which the runoff election
15 will be held, if one is required.”.

16 (7) Section 10 (b) of such Act is amended by delet-
17 ing “and for members of the Board of Education,” and
18 inserting “, Mayor, Chairman of the Council, member of the
19 Council and Board of Education,”.

20 (8) Section 10 (d) of such Act is amended to read as
21 follows:

22 “(d) In the event that any official, other than the
23 Delegate, Mayor, Chairman of the Council, member of the
24 Council, member of the Board of Education, or a winner
25 of a primary election for the office of Delegate, Mayor,

1 Chairman of the Council, or member of the Council, elected
2 pursuant to this Act dies, resigns, or becomes unable to
3 serve during his or her term of office leaving no person
4 elected pursuant to this Act to serve the remainder of the
5 unexpired term of office, the successor or successors to serve
6 the remainder of such term shall be chosen pursuant to the
7 rules of the duly authorized party committee, except that
8 such successor shall have the qualifications required by this
9 Act for such office. In the event that such a vacancy occurs
10 in the office of a candidate for the office of Delegate, Mayor,
11 Chairman of the Council, or member of the Council who has
12 been declared the winner in the preceding primary or party
13 runoff election for such office, the vacancy may be filled not
14 later than fifteen days prior to the next general election for
15 such office, by nomination by the party committee of the
16 party which nominated his predecessor, and by paying the
17 filing fee required by section 8 (i) of this Act. In the event
18 that such a vacancy occurs in the office of Delegate more
19 than twelve months before the expiration of its term of
20 office, the Board shall call special elections to fill such
21 vacancy for the remainder of its term of office."

22 (9) Section 10 (e) of such Act is amended (1) by
23 inserting "(1)" immediately before "Whenever", and (2)
24 by adding at the end thereof the following new paragraph:
25 "(2) (A) Whenever a vacancy occurs in the office of

1 Chairman of the Council, member of the Council elected
2 from a ward, or member of the Council at large, such
3 vacancy shall be filled at the next general election for any
4 of the offices of Chairman of the Council, member of the
5 Council from a ward, or member of the Council at large,
6 which occurs more than ninety-nine days after such va-
7 cancy occurs. In the case of the office of Chairman of the
8 Council, the Vice Chairman of the Council shall fill such
9 vacancy by serving as Chairman until the unexpired term
10 of the vacant office ends, or until January 2 next follow-
11 ing the date of the election of a person to serve the re-
12 mainder of such unexpired term, whichever occurs first.
13 In the case of the office of member of the Council from
14 a ward, or a member of the Council at large, the Council
15 shall appoint a person to fill the vacancy until the unexpired
16 term of the vacant office ends or until January 2 next fol-
17 lowing the date of the election of a person to serve the re-
18 mainder of such unexpired term, whichever occurs first. A
19 person elected to fill any such vacancy shall hold office for
20 the duration of the unexpired term of office to which he was
21 elected. Any person appointed under this paragraph shall
22 have the same qualifications for holding such office as were
23 required of his immediate predecessor.

24 “(B) When a vacancy in an unexpired term for an at-
25 large position is being filled at the same general election as

1 one or more full-term at-large positions, the successful candi-
2 date or candidates with the highest number of votes in the
3 general election, or in the runoff election if a runoff election
4 is necessary, shall be declared elected to the full-term position
5 or positions, and any candidate declared elected at the gen-
6 eral election shall for this purpose be deemed to have re-
7 ceived a higher number of votes than any candidate elected
8 in the runoff election.”

9 (10) The first sentence of section 15 of such Act is
10 amended to read as follows: “No person shall be a candidate
11 for more than one office on the Board of Education or the
12 District Council in any election for members of the Board
13 of Education or Council, and no person shall be a candidate
14 for more than one office on the Council in any primary
15 election.”

16 (11) Section 15 of such Act is further amended (1)
17 by designating the existing text of such section as subsection
18 (a), and (2) by adding at the end thereof the following
19 new subsection:

20 “(b) No person who is holding the office of Mayor,
21 Delegate, Chairman of the Council, member of the Council or
22 member of the School Board shall, while holding such office,
23 be eligible as a candidate for any other of such offices in any
24 primary or general election, unless the term of the office
25 which he so holds expires on or prior to the date on which

1 he would be eligible, if elected in such primary or general
2 election, to take the office with respect to which such election
3 is held."

4 DISTRICT COUNCIL JURISDICTION

5 SEC. 802. Notwithstanding any other provision of this
6 Act or of any other law, the District Council shall have juris-
7 diction to legislate with respect to matters involving or relat-
8 ing to elections in the District of Columbia, subject to the
9 provisions of section 304, section 401 (d), and subsections
10 (g) and (h) of section 325 of this Act.

11 TITLE IX—MISCELLANEOUS

12 AGREEMENTS WITH UNITED STATES

13 SEC. 901. (a) For the purpose of preventing duplica-
14 tion of effort or for the purpose of otherwise promoting effi-
15 ciency and economy, any Federal officer or agency may
16 furnish services to the District government and any District
17 officer or agency may furnish services to the Federal Govern-
18 ment. Except where the terms and conditions governing the
19 furnishing of such services are prescribed by other provisions
20 of law, such services shall be furnished pursuant to an agree-
21 ment (1) negotiated by the Federal and District authorities
22 concerned, and (2) approved by the Director of the Office
23 of Management and Budget and by the Mayor. Each such
24 agreement shall provide that the cost of furnishing such serv-
25 ices shall be borne in the manner provided in subsection (c)
26 by the government to which such services are furnished at

1 rates or charges based on the actual cost of furnishing such
2 services.

3 (b) For the purpose of carrying out any agreement
4 negotiated and approved pursuant to subsection (a), any
5 District officer or agency may in the agreement delegate any
6 of his or its functions to any Federal officer or agency, and
7 any Federal officer or agency may in the agreement delegate
8 any of his or its functions to any District officer or agency.
9 Any function so delegated may be exercised in accordance
10 with the terms of the delegation.

11 (c) The cost to each Federal officer and agency in
12 furnishing services to the District pursuant to any such
13 agreement shall be paid, in accordance with the terms of
14 the agreement, out of appropriations made by the Council
15 to the District officers and agencies to which such services
16 are furnished. The costs to each District officer and agency in
17 furnishing services to the Federal Government pursuant to
18 any such agreement shall be paid, in accordance with the
19 terms of the agreement, out of appropriations made by the
20 Congress or other funds available to the Federal officers and
21 agencies to which such services are furnished.

22 PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

23 SEC. 902. Any officer or employee of the District who
24 is convicted of a violation of section 208 of title 18, United
25 States Code, shall forfeit his office or position.

1 COMPENSATION FROM MORE THAN ONE SOURCE

2 SEC. 903. (a) Except as provided in this Act, no per-
3 son shall be ineligible to serve or to receive compensation as
4 a member of the Board of Elections because he occupies
5 another office or position or because he receives compensation
6 (including retirement compensation) from another source.

7 (b) The right to another office or position or to com-
8 pensation from another source otherwise secured to such a
9 person under the laws of the United States shall not be
10 abridged by the fact of his service or receipt of compensation
11 as a member of such Board, if such service does not interfere
12 with the discharge of his duties in such other office or
13 position.

14 ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COM-
15 MISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

16 SEC. 904. The United States Civil Service Commission
17 is hereby authorized to advise and assist the Mayor and the
18 Council in the further development of the merit system re-
19 quired by section 402 (3) and the said Commission is author-
20 ized to enter into agreements with the District government to
21 make available its registers of eligibles as a recruiting source
22 to fill District positions as needed. The costs of any specific
23 services furnished by the Civil Service Commission may be
24 compensated for under the provisions of section 901 of this
25 Act.

1 TITLE X—SUCCESSION IN GOVERNMENT

2 TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

3 SEC. 1001. (a) In each case of the transfer, by any
4 provision of this Act, of functions to the Council, to the
5 Mayor, or to any agency or officer, there are hereby trans-
6 ferred (as of the time of such transfer of functions) to the
7 Council, to the Mayor, to such agency, or to the agency of
8 which such officer is the head, for use in the administration
9 of the functions of the Council or such agency or officer, the
10 personnel (except the Commissioner of the District of Co-
11 lumbia, the Assistant to the Commissioner, the Chairman
12 of the District of Columbia Council, the Vice Chairman of
13 the District of Columbia Council, the other members thereof,
14 all of whose offices are abolished by this Act), property, rec-
15 ords, and unexpended balances of appropriations and other
16 funds, which relate primarily to the functions so transferred.

17 (b) If any question arises in connection with the carry-
18 ing out of subsection (a), such question shall be decided—

19 (1) in the case of functions transferred from a
20 Federal officer or agency, by the Director of the Office of
21 Management and Budget; and

22 (2) in the case of other functions (A) by the
23 Council, or in such manner as the Council shall provide,
24 if such functions are transferred to the Council, and (B)

1 by the Mayor if such functions are transferred to him
2 or to any other officer or agency.

3 (c) Any of the personnel transferred to the Council,
4 the Mayor, or any agency by this section which the Council
5 or the head of such agency shall find to be in excess of the
6 personnel necessary for the administration of its or his func-
7 tions shall, in accordance with law, be retransferred to other
8 positions in the District or Federal Government or be sepa-
9 rated from the service.

10 (d) No officer or employee shall, by reason of his trans-
11 fer by this Act or his separation from service under this Act,
12 be deprived of a civil service status held by him prior to such
13 transfer or any right of appeal or review he may have by
14 reason of his separation from service.

15 EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

16 SEC. 1002. (a) Any statute, regulation, or other action
17 in respect of (and any regulation or other action issued,
18 made, taken, or granted by) any officer or agency from
19 which any function is transferred by this Act shall, except
20 to the extent modified or made inapplicable by or under
21 authority of law, continue in effect as if such transfer had
22 not been made; but after such transfer, references in such
23 statute, regulation, or other action to an officer or agency
24 from which a transfer is made by this Act shall be held and

1 considered to refer to the officer or agency to which the
2 transfer is made.

3 (b) As used in subsection (a), the term "other action"
4 includes, without limitation, any rule, order, contract, com-
5 pact, policy, determination, directive, grant, authorization,
6 permit, requirement, or designation.

7 (c) Unless otherwise specifically provided nothing con-
8 tained in this Act shall be construed as affecting the applica-
9 bility to the District of Columbia government of personnel
10 legislation relating to the District government until such time
11 as the Council may otherwise elect to provide equal or
12 equivalent coverage as provided in section 402 (4).

13 PENDING ACTIONS AND PROCEEDINGS

14 SEC. 1003. (a) No suit, action, or other judicial pro-
15 ceeding lawfully commenced by or against any officer or
16 agency in his or its official capacity or in relation to the
17 exercise of his or its official functions, shall abate by reason
18 of the taking effect of any provision of this Act; but the
19 court, unless it determines that the survival of such suit,
20 action, or other proceeding is not necessary for purposes of
21 settlement of the questions involved, shall allow the same
22 to be maintained, with such substitutions as to parties as are
23 appropriate.

24 (b) No administrative action or proceeding lawfully

1 commenced shall abate solely by reason of the taking effect
2 of any provision of this Act, but such action or proceeding
3 shall be continued with such substitutions as to parties and
4 officers or agencies as are appropriate.

5 VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES
6 OF COMMISSIONER AND ASSISTANT TO THE COMMIS-
7 SIONER

8 SEC. 1004. Until the 1st day of July next after the first
9 Mayor takes office under this Act no vacancy occurring in
10 any District agency by reason of section 321, abolishing the
11 offices of Commissioner of the District of Columbia and As-
12 sistant to the Commissioner, shall affect the power of the
13 remaining members of such agency to exercise its functions;
14 but such agency may take action only if a majority of the
15 members holding office vote in favor of it.

16 TITLE XI—SEPARABILITY OF PROVISIONS

17 SEC. 1101. If any provision of this Act or the applica-
18 tion thereof to any person or circumstance is held invalid,
19 the remainder of the Act and the application of such pro-
20 vision to other persons or circumstances shall not be affected
21 thereby.

22 TITLE XII—TEMPORARY PROVISIONS

23 POWERS OF THE PRESIDENT DURING TRANSITION PERIOD

24 SEC. 1201. The President of the United States is hereby
25 authorized and requested to take such action during the

1 period following the date of the enactment of this Act and
 2 ending on the date of the first meeting of the District Coun-
 3 cil, by Executive order or otherwise, with respect to the
 4 administration of the functions of the District of Columbia
 5 government, as he deems necessary to enable the Board of
 6 Elections properly to perform its functions under this Act.

7 REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

8 SEC. 1202. (a) The Secretary of the Treasury is au-
 9 thorized and directed to advance to the District of Columbia
 10 the sum of \$750,000, out of any money in the Treasury
 11 not otherwise appropriated, for use (1) in paying the ex-
 12 penses of the Board of Elections (including compensation of
 13 the members thereof), and (2) in otherwise carrying into
 14 effect the provisions of this Act.

15 (b) The full amount expended out of the money ad-
 16 vanced pursuant to this section shall be reimbursed to the
 17 United States, without interest, during the second fiscal year
 18 which begins after the effective date of title V, from the
 19 general fund of the District of Columbia.

20 TITLE XIII—EFFECTIVE DATES

21 EFFECTIVE DATES

22 SEC. 1301. (a) As used in this title and title XIV the
 23 term "charter" means titles I to XI, both inclusive.

24 (b) The charter shall take effect only if accepted pur-
 25 suant to title XIV. If the charter is so accepted, it shall

1 take effect on the day following the date on which it is
 2 accepted (as determined pursuant to section 1405) except
 3 that—

4 (1) part 2 of title III and title V shall take effect
 5 on the day upon which the Council members first elected
 6 take office;

7 (2) section 402 shall take effect on the day upon
 8 which the Mayor first elected takes office; and

9 (3) title VII shall take effect with respect to the
 10 first fiscal year beginning next after the Mayor first
 11 elected takes office and with respect to subsequent fiscal
 12 years.

13 (c) Titles XII, XIII, and XIV shall take effect on the
 14 day following the date on which this Act is enacted.

15 TITLE XIV—SUBMISSION OF CHARTER FOR 16 REFERENDUM

17 CHARTER REFERENDUM

18 SEC. 1401. On a date to be fixed by the Board of
 19 Elections, not more than four months after the enactment
 20 of this Act, a referendum (in this title referred to as the
 21 "charter referendum") shall be conducted to determine
 22 whether the registered qualified voters of the District of
 23 Columbia accept the charter.

24 BOARD OF ELECTIONS

25 SEC. 1402. (a) In addition to its other duties, the Board
 26 of Elections established under the District Election Act of

1 1955 shall conduct the charter referendum and certify the
2 results thereof as provided in this title.

3 (b) Notwithstanding the fact that such section does not
4 otherwise take effect unless the charter is accepted under
5 this title, the applicable provisions of title VIII of this Act
6 shall govern the Board of Elections in the performance of
7 its duties under this Act.

8 APPLICABILITY OF TITLE VIII

9 SEC. 1403. Except as otherwise indicated in this title,
10 the provisions of title VIII of this Act shall to the extent
11 applicable govern all aspects (including, but not solely, the
12 registration and qualification of voters, the method of voting,
13 recounts and contests, and election violations) of the refer-
14 endum election herein, notwithstanding the fact that such
15 title VIII does not otherwise take effect unless the charter
16 is accepted.

17 CHARTER REFERENDUM BALLOT: NOTICE OF VOTING

18 SEC. 1404. (a) The charter referendum ballot shall
19 contain the following, with a blank space appropriately
20 filled:

21 "The District of Columbia Charter Act, enacted
22 , proposes to establish a new charter for the
23 District of Columbia, but provides that the charter
24 shall take effect only if it is accepted by the registered
25 qualified voters of the District in this referendum.

1 "By indicating, in one of the squares provided below,
2 whether you are for or against the charter.

3 ☐ For the charter

4 ☐ Against the charter".

5 (b) Voting may be by paper ballot or by voting
6 machine. The Board of Elections may make such changes
7 in the second paragraph of the charter referendum ballot
8 as it determines to be necessary to permit the use of voting
9 machines if such machines are used.

10 (c) Not less than five days before the date of
11 charter referendum, the Board of Elections shall mail to
12 each person registered (1) a sample of the charter refer-
13 endum ballot, and (2) information showing the polling place
14 of such person and the date and hours of voting.

15 (d) Not less than one day before the charter refer-
16 endum, the Board of Elections shall publish, in newspapers
17 of general circulation published in the District of Columbia,
18 a list of the polling places and the date and hours of voting.

19 ACCEPTANCE OR NONACCEPTANCE OF CHARTER

20 SEC. 1405. (a) If a majority of the registered qualified
21 voters voting in the charter referendum vote for the charter
22 the charter shall be considered accepted as of the time the
23 Board of Elections certifies the result of the charter refer-
24 endum to the President of the United States, as provided in
25 subsection (b).

1 (b) The Board of Elections shall, within a reasonable
2 time, but in no event more than thirty days after the date of
3 the charter referendum, certify the result of the charter
4 referendum to the President of the United States and to
5 the Secretary of the Senate and the Clerk of the House of
6 Representatives.

7 TITLE XV—TITLE OF ACT

8 SHORT TITLE

9 SEC. 1501. This Act, divided into titles and sections
10 according to table of contents, and including the declaration
11 of congressional policy which is a part of such Act, may be
12 cited as the "District of Columbia Charter Act".

The CHAIRMAN. While there has been certain changes in the composition of the Senate in the last 2 years, I think it is fair to say that the Senate is still in favor of granting self-determination to the District of Columbia.

The hearing we are holding today is to get the views of interested citizens and groups on our proposal.

We are especially interested in hearing this morning views on the specific proposals of the bills, since any bill of this magnitude can be made even better.

I hope the witnesses will take seriously their opportunity to comment on any provision which they think is not in the best interests of this, our Nation's Capital.

I think it is fair to say, from the opinions that I have heard, that the debate on home rule has basically shifted from whether it is a good idea to how to effectuate home rule for the District.

It is time to turn the discussion to what the powers of the Mayor are to be; what the composition of the City Council should be; and what type of judiciary the city should have.

The bill that passed the Senate 2 years ago contained answers to these questions that I and my colleagues found acceptable. I hope that in the next 2 years it will be possible for the House to also find a home rule proposal acceptable to it and that the District will gain the self-government it deserves prior to the Nation's Bicentennial.

Senator Mathias is unable to be present this morning but he has submitted a prepared statement which I now place in the record.

[The prepared statement follows:]

PREPARED STATEMENT OF SENATOR CHARLES MCC. MATHIAS, A U.S. SENATOR
FROM MARYLAND

The legislation we are considering today is ninety-nine years overdue. It was in 1874 that Congress "temporarily" suspended local elected government in the District of Columbia. Like many ostensibly temporary acts, that one has been perpetuated far beyond reason or excuse. As a result, for over three generations the people of the nation's capital—alone among all American citizens—have been denied the right to choose their own local officials to administer their own local affairs.

The passage of home rule legislation would restore local self-government in the nation's capital. It would also return to the citizens of the District of Columbia, after far too long, the basic democratic privileges which the citizens of every state enjoy.

The popular election of local officials in the nation's capital is an essential step toward perfecting American democracy. It is also the next logical step forward for the District of Columbia, following the Constitutional amendment enabling D.C. residents to vote for President, the creation of an elected local school board, and the creation of the office of non-voting delegate to the House of Representatives. It is a sound progression from these earlier acts to a Charter Act which grants D.C. residents the opportunity to choose their own municipal leadership, and to enjoy a city government not appointed by the President and confirmed by the Senate, but selected by the people and responsible to them.

I am confident that the legislation that will finally emerge from this Committee will provide the charter for self-government. I am equally confident that the legislation, in addition to reaffirming the Constitutional responsibility of the Congress to oversee the government of the national capital, will establish procedures, akin to those used under the Reorganization Act, for Congressional review of acts passed by the local Council. As was the case with the Senate bill in the 92nd Congress, I am sure that the bill which will be reported out of this Committee will explicitly reserve to Congress the exclusive power to legislate in a few particularly difficult areas. For example, under S. 1435, the elected Council

would be prohibited from enacting any tax on any property of the United States or any tax on the income of persons not residing in the District. The important task before us today, however, is to enact legislation that will assign to the elected Mayor and Council substantial administrative and legislative authority, respectively.

There is little question, but that the Congress has to enact self-government legislation for the District of Columbia because the fact is that the present manner of running the nation's capital does not work.

In saying this, I mean no disrespect for Mayor Walter Washington. He is a sensitive, immensely hard-working public servant caught in a thankless situation, forced to bear many burdens with little praise and less power. The City Council, too, has done admirably in the difficult job of legislation within restrictive limits and trying to represent the people without having any way to get a real mandate. Nor do I intend to demean in any way the commitment of the executive branch, or to minimize the diligence and perception of my colleagues on the Committee on the District of Columbia and Appropriations Subcommittee on the District.

But the fact is that all of us are trapped—Congress, the White House, the city government, and above all the people of the District—in a system of government which hardly deserves to be called a system at all. It is an obsolete, cumbersome and arbitrary series of arrangements through which authority is diffused, power is fragmented, decision-making is delayed, influence lurks everywhere and clear responsibility can never be pinned down. The Mayor doesn't have the power; the Congress doesn't have the time; the people of the District do not have a vote.

This situation might have been sufficient for a feudal duchy or the capital of a small colony in bygone days. It is simply not adequate for the proud capital of the United States as we approach the bicentennial of our national birth. It is past time to free the citizens of Washington from dependence on the sympathy of officials elected somewhere else. It is past time for us to delegate responsibility for the day-to-day government of this city to men and women elected by its residents. There is no better way for Congress to meet its own obligation to provide for the government of the nation's capital. There is no better way for us to tell the nation and the world that the Declaration of Independence does not stop at the District line.

The CHAIRMAN. Because we are operating on a time constraint, we will commence our hearings, in the absence of Mayor Walter Washington, and I will call on Mr. Nevius, Chairman of the Council.

STATEMENT OF JOHN A. NEVIUS, CHAIRMAN, DISTRICT OF COLUMBIA COUNCIL

Chairman NEVIUS. Thank you, Mr. Chairman.

As a more than 20-year veteran of the struggle for District of Columbia local suffrage, I appreciate the opportunity to state my views on S. 1435 to this committee. I thank you for once again advancing home rule legislation on behalf of my fellow citizens.

DELEGATION OF AUTHORITY

My preference has always been for the maximum delegation of authority, including revenue authority, to the District of Columbia Government, consistent with full protection of the Federal interest in this city with which Congress is charged both in law and in fact.

Senate 1435 has been designed to meet those purposes by means of a congressional veto arrangement and explicit reservation of Congress' constitutional legislative authority over the District.

I support this because to separate the Federal from the local in advance is difficult, indeed.

Moreover, if the 93d Congress is not prepared to delegate all authority over local matters I, for one, say let's get as much as we possibly can and not hold out for all or nothing.

In my personal opinion, if the Home Rule Committee had followed that course, and I so counseled them in 1965 after the Sisk bill passed the House, we would have been much further along on the road than we are today.

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

COMMUNICATION AND DECENTRALIZATION

In large cities the communication gap between the government and the citizen is very wide, breeding a lack of confidence on the part of the governed.

Also, administration of municipal services needs decentralization. Mayor Lindsay recognized this in his efforts to revise the system in New York City.

I feel that somehow these two ideas could be wedded in a new system here that involved the election of mini city councils in each of our eight election wards and the establishment in each ward of a mini city hall to deliver municipal services at the neighborhood level and also administer certain selected activities at that level, such as street cleaning.

This could improve the quality and accessibility of some municipal services while furnishing a proving ground for seasoning potential new political leadership for city hall.

Let me now touch on three areas in which I believe S. 1435 might be improved.

REVENUE AUTHORITY

(1) Revenue authority: The new government ought to have the same taxing powers as a State, including the power to tax income earned within its borders. I believe we must continually test the political waters on the reciprocal or similar income tax, and forego it only if it is the Achilles heel of home rule legislation.

COUNCIL CONSENT TO APPOINTMENTS

(2) Council consent to principal appointments: Those to the bench and to the Mayor's cabinet ought to be provided.

FEDERAL PAYMENT

(3) Federal payment: I am on record as favoring a Federal payment based on today's authorized figure of \$190 million, plus future increments related to inflation or District tax revenues.

S. 1435 provides for a Federal payment of 40 percent of District of Columbia revenues, without a dollar floor or ceiling. I can support that, too.

In closing, Mr. Chairman, I thank you for again supporting full local suffrage for the District of Columbia and for the opportunity to

expose my own ideas. I would be pleased to respond to questions.

The CHAIRMAN. Thank you very much, Mr. Nevius.

As you point out in your statement, S. 1435 provides for a Federal payment of 40 percent of District of Columbia revenues, as you say, without a dollar floor or ceiling.

What would 40 percent of District of Columbia revenues compute out today?

Chairman NEVIUS. Under the proposed budget, its balance is about a billion dollars total.

It does not work that way. Since we are talking about the operating budget—I just do not have the figures.

The CHAIRMAN. All right.

Our rough guess computation is something in the neighborhood of \$230 million.

Mayor WASHINGTON. Mr. Chairman, our budget officer will give you that figure a little later.

ADVICE AND CONSENT

The CHAIRMAN. We do not provide for any advice and consent arrangement with the council for the Mayor's cabinet.

Do you think that ought to be required?

Chairman NEVIUS. Yes, Mr. Chairman.

We think the Federal system is a good one in terms of balancing the executive and legislative powers, and we feel that that would be a constructive factor in the District government as well.

JUDICIARY

The CHAIRMAN. We put in a different judiciary system this year as contrasted with last year's bill. This system incorporates what is sometimes called the Missouri plan for the nonpartisan selection of judges from a panel.

Do you subscribe to that proposition generally?

Chairman NEVIUS. That is a new one to me, Mr. Chairman, but it certainly looks like a good idea.

COMMUTER TAX

The CHAIRMAN. Finally, you mentioned the question of the commuter tax or reciprocal income tax.

As you know. I have no objection to either of those taxes, and indeed support the concept because I believe it is necessary.

What is involved there is a pragmatic consideration of just how far we can go in a given bill in terms of getting it ultimately passed. I think you recognize that dilemma.

Chairman NEVIUS. Indeed, sir.

The CHAIRMAN. Thank you very much, Mr. Nevius.

Chairman NEVIUS. Thank you, Mr. Chairman.

The CHAIRMAN. Now, I would like to call the Honorable Walter Washington, Mayor-Commissioner of the District of Columbia.

**STATEMENT OF WALTER E. WASHINGTON, MAYOR-COMMISSIONER,
DISTRICT OF COLUMBIA; ACCOMPANIED BY: COMER S. COPPIE,
DIRECTOR, OFFICE OF BUDGET AND FINANCIAL MANAGEMENT;
FRANK MURPHY, CORPORATION COUNSEL; AND BEN GILBERT,
ASSISTANT TO MAYOR-COMMISSIONER**

Mayor WASHINGTON. Thank you, Mr. Chairman.

I am sorry we were delayed. We were delayed on the elevator system.

The CHAIRMAN. That is all right.

Mayor WASHINGTON. I have with me, Mr. Chairman, our Budget officer, Mr. Comer Coppie; and our corporation counsel, Mr. Frank Murphy; and Mr. Ben Gilbert of Planning and Management.

The CHAIRMAN. Very good.

You may proceed.

Mayor WASHINGTON. Mr. Chairman, I think I have a relatively brief statement here. As we reviewed the material, and recognizing that this committee year after year has passed the bill, we felt that we could cull out from our statement all of the rhetoric and get right to the point. Otherwise we would be like the minister preaching to the choir. We feel that the distinguished record of this committee, particularly on the home rule issue, has produced a home rule bill.

My belief is that whether or not you get a perfect bill that it is important to get a bill. I am pleased that in the proposed legislation itself, one very important point is set out. That is: The mechanism to change, or make modifications, as the case may be.

However, I will proceed with my statement, and get that in the record to the extent that it is desirable.

It is a pleasure to appear before this committee to testify on S. 1435, which provides for the election of a mayor and city council.

To me, the question is a simple one—of full citizenship.

That can only be achieved through local self-government and full representation in Congress for the people of this city.

PARTNERSHIP

What we have in this great city is a partnership between the Federal Government and the local government. The Federal Government is the main business of the city and will remain so no matter what form of local government is provided.

I make that point, Mr. Chairman. We know the Capitol is here, we know the White House is here, we know the monuments are here, and I think we should get on with the job of really trying to develop a bill that deals with what is involved, and that is full citizenship or local self government.

FEDERAL PAYMENT

In harmony with this approach of partnership, it is only fair that the Federal government should make a fair and appropriate contribution to this city, to insure its orderly development and the strengthening of municipal services and this should be on an automatic and predictable basis from year to year.

The arrangement, when decided upon, should provide that it be reviewed periodically.

The CHAIRMAN. Do you have that figure?

Mayor WASHINGTON. Yes.

The CHAIRMAN. What does the 40 percent compute out to be on this year's revenue?

Mayor WASHINGTON. On the budget currently pending, it would be \$215 million on the general fund revenues and \$238 million on total revenues.

The CHAIRMAN. And we are providing now by Federal payment \$190 million?

Mayor WASHINGTON. It is authorized at \$190 million, Mr. Chairman, and that is \$35.9 million for general fund revenues.

FIXED OR PERCENTAGE PAYMENT

The CHAIRMAN. Would it be your preference, Mayor, we set a fixed figure in the Federal payment, or percentages?

Mayor WASHINGTON. I prefer a percentage, Mr. Chairman.

I think that there should be a mechanism for review from time to time, every 3 or 5 years, so it is not fixed in concrete, because we know there will be changes from time to time, for a built-in percentage. The formula will be, in my opinion, a far better approach, and we have testified to that over and over again.

COMMUTER TAX

The city should be encouraged and empowered to take steps to increase the revenues available to it through all and any legitimate means available in order that it can be as self-sufficient as is possible.

It should have the power to tax all income earned in this city, allowing, of course, for the traditional exemption of elected members of Congress and the major appointees of the executive branch.

We are talking here about a commuter or a reciprocal tax.

Basically, I would like to call it that, Mr. Chairman. We have testified in favor of this and over and over again. We think rather than setting the amount, we are talking about the authority to do it, such as all other jurisdictions in this Nation have, so that if it becomes necessary we can act upon it.

FULL BUDGETARY CONTROL

The city should also have the authority, within limits to be set by the Congress, to issue its own obligations for capital improvements.

Three assurances on the revenue side are necessary: (1) an equitable Federal contribution; (2) full revenue raising powers; and, (3) adequate borrowing power.

The city should also enjoy full budget responsibility.

We believe those characteristics are necessary in any bill that is going forward as a home rule bill.

It is of utmost importance that the city should have the right to determine how its resources, once raised, are used.

Full budgetary control by the city is in my opinion an essential ingredient of any meaningful plan for self-determination.

These assurances, taken together, would endow the District of Columbia for the first time with a financial management capability to plan meaningfully and comprehensively for itself, and to respond to the needs of this city as it deems necessary.

The full exercise of fiscal powers must be provided with voting power if self-government is to be meaningful.

The District is quickly emerging as the center of the Nation's fastest growing metropolitan area.

There is developing in the area a partnership on such matters as air pollution, water supply, sanitation, and transportation among the several neighboring jurisdictions.

RECIPROCAL INCOME TAX

Now the time has arrived to allow the citizens of the District to become full partners and let it enjoy as do other jurisdictions the privilege of reciprocity in taxation.

The provision in S. 1435 that would deny reciprocity in this regard should not be included if the intent of the bill is to grant full local self-government to the people of this city.

There are certain necessary essentials that must be included if self-government is to work—and the reciprocal tax power is one of them.

STATE AND LOCAL RESPONSIBILITIES

The District is also a unique governmental entity in the Federal system with some of the governmental responsibilities of a State, in addition to its responsibilities as an American city.

Given the nature of the city—its compactness and population size and the close relationships that must be maintained with two neighboring States—this combination is a good one that assures flexibility in dealing with complex metropolitan problems.

I have discussed the uniqueness of this city, the fact that it has both State and local responsibilities.

Because of that uniqueness, the precise nomenclature used in the bill to me is less important than the question of providing the full delegation of local governing power.

ELECTIONS

In the same context, I am not overly concerned over whether elections should be held in even- or odd-numbered years or whether they should be partisan or nonpartisan.

These are important questions. However, finding answers to them should not overshadow our main objective.

Moreover, it is my belief that we should create a mechanism in the bill that would permit the citizens of the city to make this determination at the appropriate time.

TRANSITION

My preference is for the simplest and most flexible grant of governing authority that can be devised. I have some comments on certain

provisions of S. 1435 which I would like the committee to consider before it reports out the bill in its final form.

My staff and I stand ready to assist you in any way that we can in working out the details in this important process.

It is essential that there be a smooth and sure transition from the present Government to the proposed government and, therefore, I would suggest building on what we now have and strengthening it.

In my opinion there is no need to fully reorganize the Government before acting. I believe it would be appropriate to build on the power to reorganize that the city government presently possesses and convey it in the broadest form possible to the elected executive, perhaps granting to the elected legislative body the power to disapprove within a reasonable period.

In that way, the people, functioning through their elected representatives will be able to assist in making their own decisions.

HISTORY

I need not remind the members of this committee that for the first 70-odd years, the residents of the District of Columbia enjoyed in various forms an at least partially elected local government, with the powers common to local jurisdictions of that day.

The executive was sometimes called a mayor, and sometimes a governor; the legislature was called at times a city council, a legislative assembly and, on one occasion, a levy court.

Almost 100 years ago the right of self government was taken away from the citizens of the District of Columbia. What had previously been a right became a wrong. The time to right that wrong is long overdue.

Whatever you call it, home rule, local suffrage, self determination or self-government—I am for it.

My experience as the Presidentially appointed chief executive officer of this city has only intensified my conviction of many years that the time has come to end this anachronism of votelessness in our capital city.

This city, of all American cities, should not be denied the right to govern itself.

The hundredth anniversary of our loss of local citizenship occurs next year, while we prepare for the observance of the 200th anniversary of the founding of this republic on the principle of democratic self-government.

With these two anniversaries approaching, it is most appropriate that we act now to restore to the residents of the Nation's Capital the right to govern themselves and thereby move them closer to the full citizenship—that is what we are talking about—that I have described here.

CONCLUSION

In conclusion, Mr. Chairman, please be assured that I support the efforts of the committee to report out this legislation for self-government and that the suggestions made are intended only to make this task an easier and more meaningful one.

ORGANIZATION

Mr. Chairman, we have for you information an organizational chart showing the existing organization, and also one that takes the Nelsen Commission's proposal and charts those in relation to the existing form or in relation to the proposals themselves in organization form, Mr. Chairman, if you wish to have this, or copies of it for your committee, we would be very happy to provide them.

The CHAIRMAN. Insofar as S. 1435 is concerned, if it became law, you and the City Council would be free to select which organizational measures you so desire as best suits your needs?

Mayor WASHINGTON. Yes.

The CHAIRMAN. The present form, the Nelsen form, or a composite of the two?

Mayor WASHINGTON. That is correct, and I think that is the great value of this bill, it does bring to the Mayor and the Council that responsibility.

Mr. Chairman, I would be pleased to respond to questions at this time.

RECIPROCAL INCOME OR COMMUTER TAX

The CHAIRMAN. Thank you.

I take it, in listening to your presentation, you are generally satisfied with S. 1435 with one principal objection, the inability to enact either reciprocal income tax or a commuter tax, would that be a fair summary of your principal reservation to the bill?

Mayor WASHINGTON. Yes, and the capital outlay provision also.

Those two are the most salient questions that we would have, and we are in general accord with this bill.

SUPPORT S. 1435

In the main, Mr. Chairman, it is a very, very good piece of legislation. With those two basic modifications, I think we certainly would favor it.

There are some other points. I noted Mr. Nevius talked about consent. It really does not disturb me too much at this point—as far as the bill itself is concerned.

Those are matters that will have to be worked out, and I think you handled it well.

APPOINTMENT OF JUDGES

The CHAIRMAN. This year's bill differs from the bill of 2 years ago in regard to the appointment of judges.

Do you have any comment to make on the change in this year's bill?

Mayor WASHINGTON. I think you handled that very well.

This bill provides for a nonpartisan traditional commission. The Commission would submit nominees for appointment as judges in the municipal court. As I understand the provision, it would provide for my recommendation, with the advice and consent of the Council. I think that is quite appropriate and is an excellent addition.

I favor local participation in the nomination of judges for our local courts.

The CHAIRMAN. As you pointed out in your prepared statement, whatever structure that is contained within S. 1435, once it went into effect, there is a process by which it could be modified, amended, or changed as subsequent conditions are justified?

Mayor WASHINGTON. Yes.

STATEHOOD

The CHAIRMAN. Subsequent witnesses will undoubtedly testify in favor of the concept of statehood for the District of Columbia.

Will you give us your views as to the relative merits of the home rule proposal such as S. 1435, vis-a-vis the statehood approach?

Mayor WASHINGTON. There are some features of that bill that I think are salutary, Mr. Chairman.

The basic problem I have with any bill that attempts to extricate from the territory certain boundaries that I think are not subject to that, I think the major problem that I had with it is in its desire to extricate from the boundary certain parts of it, and I do not believe that they are as close to the economic, political and social life of this community, and that you find that palatable.

I think that the people who think of that as a viable alternative are just not being very realistic in terms of human relationships that will ultimately be developed.

I do not have here, and I would submit for the record in more detail an analysis, if you wish, on that bill.

I particularly am prepared in detail to deal with S. 1435.

FEDERAL PAYMENT

The CHAIRMAN. I understand.

Under a statehood proposal the Federal payment would be fore-saken. There would be no direct Federal payment to a State per se. Is that correct?

Mayor WASHINGTON. That is correct, and that is a devastating blow.

The CHAIRMAN. And insofar as your current budget of \$190 million—it would be up to in excess of \$200 some odd million—do you see any way you could make that revenue loss up by local revenues under the statehood concept?

Mayor WASHINGTON. I just do not see it.

This is the better part at the moment, \$220 million in the pipeline, that you could see without the help of the Federal payment there that would get anywhere near meeting our needs.

RECIPROCAL INCOME TAX

Assuming that we had a reciprocal tax, there we were talking of a load of about \$40 million, and, as you know, Mr. Chairman, our real estate tax, our personal property tax, our general sales tax, have all been used in the last year or two, and we are right down to the bottom of the barrel there, and without a very viable assistance of the Federal payment, I just do not see really how we come out.

Now, revenue sharing, as we project that, even now, is used in this particular budget to balance it at a rate of about \$50 million for the 1973-74 fiscal years, and that is the end of the line on that.

We have obligated all of it through our 1974 budget. I think it is very important that we keep both the city and State facets of our government in a way that we can draw the Federal payment which is needed in this partnership. This is really sort of a technical usage in relation to grants and funds and that sort of thing, but I just cannot see how the city could function, and I do not think it properly should without the assistance of the Federal payment.

COMMUTER TAX

The CHAIRMAN. Mr. Coppie, what would a 1-percent commuter tax bring in?

Mr. COPPIE. Mr. Chairman, I do not have that exact figure.

I would think probably about \$25 million.

The CHAIRMAN. That is a rough estimate?

Mr. COPPIE. Yes.

The CHAIRMAN. We will take it on that basis, so if the District had both a reciprocal income tax which would bring in the neighborhood of \$40 million, and a 1-percent commuter tax which would bring in the neighborhood of \$25 million, the total increments would be about \$65 million?

Mr. COPPIE. I think the reciprocal tax is well on the conservative side.

Under the current income tax of the city, the net gain would be something more like \$70 million.

The CHAIRMAN. Let us assume \$70 million for reciprocal and \$25 million for commuter for a total of \$95 million. That is considerably short of the \$220 million as envisioned under S. 1435?

Mr. COPPIE. No question about it.

REVENUE SHARING

The CHAIRMAN. You mentioned, Mayor, that general revenue sharing is now bringing into the city about \$50 million, did you say?

Mr. COPPIE. It is \$24 million on an annual basis, Mr. Chairman.

Mayor WASHINGTON. What I was referring to is what we have been able to have obligated to use up to this point, up through 1974, and I think that figure comes—

Mr. COPPIE. The Mayor is quite correct.

As you of course know, the revenue sharing law is retroactive for an entire calendar year, and it did not pass until the end of the calendar year 1972.

The CHAIRMAN. So you got a windfall for 1 year, but on an annual basis, it is \$24 million?

Mr. COPPIE. That is correct.

The CHAIRMAN. Have you been able to make any analysis of how much of that \$24 million on an annual basis will have to be spent for categorical Federal programs that are either being phased out, terminated, or at least reduced?

Mr. COPPIE. Mr. Chairman, we built our budget before the present budget for 1974 had been released. We had used our revenue sharing funds to meet the ongoing operating needs of the city, really independent of the categorical grant process.

As you know, when you get into this area of categorical grants, you are talking about a very great range of complexities because of the reconciliation of the program with special revenue sharing. We are looking at that now. But in terms of the specific question, and the specific answer, we have used our revenue sharing funds to meet the ongoing needs of the city independent of the categorical grant process.

The CHAIRMAN. If categorical programs are substantially reduced, in some instances phased out, and if there is no special revenue sharing forthcoming to pick up the slack then some of that \$24 million would be perhaps consumed to try to continue the programs that were decided by the Mayor and Council to continue them—is that correct?

Mayor WASHINGTON. That is certainly correct.

It is the only source of funding, and this funding program is very very essential, and that is what I was trying to deal with.

DECISIONS

Mr. Chairman, what I am saying is that I am not opposing anything—I am favoring something.

We have got to come to that position where we take a position on matters of this substance. What I am favoring is full citizenship, with the necessary provisions to run the government which rose out of the experience I have had. These elements that I pointed out are basic in any bill, and basic if we are going to really talk about full citizenship and self-determination. I kind of believe that at this juncture we are at the point where we do something and then we provide, as I pointed out, a mechanism so that subsequently if the citizens wish to make the change they have the opportunity to do so.

I have said, on the House side, that this may have been a little shocking to them, but this is the point we are getting to. This is why this bill has a great deal of merit. The fact is it leaves many of the decisions to the citizens and to the city ultimately, and I think that point has to be stressed, because if we are talking about self-determination, there is no need for us to sit here and nail down every issue, particularly those issues which the citizens themselves may wish to deal with.

The CHAIRMAN. Very good, Mayor, Mr. Coppie, gentlemen, thank you very much for your presentation.

Mayor WASHINGTON. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Mr. Melvin H. Burton, Jr., Chairman of the Committee on Self Government of the District of Columbia Republican Central Committee.

STATEMENT OF MELVIN H. BURTON, JR., CHAIRMAN; ACCOMPANIED BY RICHARD CARR, COCHAIRMAN; COMMITTEE ON SELF GOVERNMENT, DISTRICT OF COLUMBIA REPUBLICAN CENTRAL COMMITTEE

Mr. BURTON. Good morning, Mr. Chairman.

I am accompanied by Mr. Richard Clark, cochairman of the self-determination committee of the Party.

In my capacity as cochairman of the self-determination committee for the District of Columbia Republican Party, I affirm the District

of Columbia Republican Party's support for a form of self-government for the District of Columbia which will take into account the interest of all citizens thereof as well as the interest of the Federal Government.

The concept of representative government, in order to become a reality, should extend from the Federal through the State, county, municipal levels and to the District of Columbia.

S. 1435, introduced by Senator Eagleton, provides for a Mayor and City Council for the District of Columbia.

We feel that this is a sound concept; however, certain modifications should be made so that we may achieve broad citywide representation in the affairs of the local government.

SUBDIVISIONS

We strongly suggest that the District of Columbia, for purpose of Council elections, be carved into four subdivisions; which subdivisions would not necessarily correspond to the present geographical divisions of the city.

The four subdivisions should be roughly divided proportionally by population. This would then provide for one representative for approximately every 100,000 persons, or if one considers the adult population, one for approximately every 70,000 persons.

ELECTIONS

In addition, there should be an election of at least three at-large councilmen. 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 request or wants known.

In view of the fact the District of Columbia is overwhelmingly Democratic, some provision should be made for minority political representation.

This can be achieved by providing for an odd number of councilmen for each subdivision, for example, three with the provision that one seat shall go to the minority party candidate with the highest vote.

This would assure representation for a minority party. The Chairman of the Council should be elected from among its own members with each councilman having an equal vote.

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.

If you are talking about the adult population, then we are talking about one representative for approximately 70,000 persons. We feel that there should be also elected three at large councilmen. We think by doing this, every citizen in the District of Columbia would then have an ear to which he could turn to make his wants and wishes known.

MINORITY POLITICAL REPRESENTATION

We also urge upon this body to make some provision for minority political representation.

Of course, while we understand this may be a very controversial item, you do have in the District of Columbia at least one additional

party, being the Statehood Party, and I am certain the Statehood Party would be very much concerned about representation to the Council.

We feel one way of providing this would be to provide that one seat in every subdivision should go to a minority party.

Now, we feel that the Chairman of the Council should be elected from among its own members and each councilman have an equal voice.

MAYOR

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

We believe the Mayor should be elected in a partisan election. The existing political parties can provide the machinery by which candidates aspiring to this office can best bring their views for acceptance to the electorate.

The Mayor's term of office should be at least 4 years. We would suggest that elections for this office follow the same dates as the council elections. To suggest otherwise would result in one or more lame duck administrations.

While we suggest that the Mayor's term be at least a 4-year term, and something be worked out along those lines, we do suggest, however, the election of the Council and Mayor follow each other, they be held on the same date so as to prevent or preclude a lame duck administration.

We feel the powers of the Mayor should be broad enough to manage the day-to-day operations of the city government, much along the same lines as presently exist.

He should be given the power to establish a liaison committee between all agencies of the Federal Government, so that he can be knowledgeable concerning the Federal policy while in the developmental stage so that his policies would properly reflect the Federal interest and protection thereof in those areas of Federal interest.

He should have the power to appoint all local department heads, subject only to confirmation by the Council.

We envision the power of the Mayor to be as broad as that of any city mayor and broader in most instances than those of a county or city manager.

CONGRESSIONAL POWERS

S. 1435, provides that no act of the Council may go into effect if either body of Congress disapproves of such act within 30 days of its passage.

We are as concerned as the Members of Congress about the protection of the Federal interest and the continuation of the Nation's Capital as the historic and constitutional role of the Congress in the affairs of the District of Columbia, but we do not deem this control to extend to matters purely local in character as compared with matters of Federal interest.

We therefore propose that the City Council be granted exclusive legislative powers over all matters local in nature wherein the domi-

nant theme is that of a local character rather than vested with a Federal or national interest.

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

For example, as local matters would be: fiscal matters, zoning, public utilities, and health.

Examples of Federal interest: Federal buildings and property, diplomatic corps, and national tourist attractions.

APPOINTMENT OF JUDGES

Your bill authorizes the City Council to establish the method of selecting and appointing judges.

It is our suggestion that 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 selection process should be limited to that list of nominees recommended by a judicial selection committee, which committee should be composed of: lawyers, citizens of the community, representatives and/or designees from Congress, and the White House.

All nominees for judgeships as well as the members of the judicial selection committee should be residents of the District of Columbia. The list of nominees for judgeship should contain at least five names.

All nominees, I think I should underscore it, must be residents of the District of Columbia. The list of nominees for judgeship should contain at least five names.

The CHAIRMAN. How does your recommendation differ substantially from what is now contained in S. 1435?

We set up the judicial commission to submit names to the Mayor—I think three names.

Mr. BURTON. Yes.

The CHAIRMAN. Other than the difference of three and five, is it not substantially the same?

Mr. BURTON. Yes; except I think S. 1435, as you proposed it, authorizes the selection of the judges, by the Mayor to appoint judges, and I think they ought to be confirmed by the Senate, and I think that may be one of the differences, and we think a confirmation should be by the Council itself.

I understand also there is no residence requirement in your bill, and we feel there should be a residence requirement

FEDERAL PAYMENT

S. 1435 would provide for a Federal payment based primarily on real estate taxes payments the Federal Government would pay if it were a taxpayer and would authorize the issuance of tax exempt municipal bonds similar to those issued in other jurisdictions.

While we agree that this should be a basis for the Federal contribution, we urge that the Federal payment contribution should be flexible enough to account for the rise in costs of providing services to the community and the formula should be based upon at least the following three major factors:

(1) The amount of revenues raised by the District of Columbia.
 (2) The services rendered by the District of Columbia to supplement Federal services and those services rendered in protection of the Federal interest.

(3) The loss of revenue from District land which is occupied by Federal buildings, institutions, including embassies and chanceries, that is, recognition of the Federal Government as a private landlord in the District of Columbia, who would be obligated to pay taxes.

Mr. Chairman, other than the suggestions to which I have alluded, I feel that S. 1435 is broad enough to embrace and extend to the residents of the District of Columbia, the right of self-government.

Mr. Chairman, thank you for the opportunity to share with you these ideas. I shall be pleased to answer any questions which you may have.

The CHAIRMAN. Thank you very much, Mr. Burton.

Of course, the concept of a Federal payment in part is to compensate the District of Columbia for the loss of revenue in which the District suffers as a result of land occupied by the Federal Government, and so forth.

Are you dissatisfied with the 40-percent formula that is contained in S. 1435?

Mr. BURTON. As I understand the 40-percent formula, we are not completely dissatisfied with it.

COMMUTER TAX

We have some thought it may not be sufficient enough unless, of course, some other means of raising revenue in the District of Columbia is granted to the District government, and, of course, I heard the chairman refer a moment ago to a 1-percent commuter tax.

Of course, I suggested on the other side to one of the Congressmen that perhaps that would be the answer.

I was told that would stir up a hotbed of controversy in opposition, but what we are talking about is needed revenues to conduct adequately the operations of the District of Columbia government, and I feel that is one of the sources whereby some additional revenue could be found.

LOCAL VERSUS FEDERAL INTEREST

The CHAIRMAN. Earlier in your prepared statement, you referred to the distinction between matters that are purely local as compared with matters of Federal interest.

As you know, the Constitution mandates that the Congress have an interest in keeping a continuing interest insofar as the District of Columbia is concerned.

I do not dispute your concept, but I do have trouble with the definition of what is purely local versus what is Federal.

Let us take the height of the buildings.

Is that purely a local matter, or is this a Federal interest insofar as protecting the scenic beauty of Washington, D.C.?

Is it not really a mixed question?

Mr. BURTON. It is a mixed question, but we see no reason why the District of Columbia government, or the District of Columbia body

should not be able to work out any problem insofar as esthetic beauty of the city is concerned which may appear in conflict with those ideas that some Congressmen hold.

We have suggested that the Mayor should be able to appoint, say a liaison committee between all departments of the Federal Government, and in that way there would be at least some input as to what the Federal interest is in a particular project so that the Mayor could at least make that interest and knowledge known to the City Council when they get ready to act on any proposal.

The CHAIRMAN. Thank you very much, Mr. Burton. We appreciate your presentation and the comments you have made.

Mr. BURTON. Thank you.

The CHAIRMAN. Our next witness is Mr. Kenneth C. Kennedy, vice chairman, District of Columbia Democratic Central Committee, and he is accompanied by Mrs. Mary Orchin, member; Mrs. Barbara Morgan, Treasurer; and Mr. Alfred Bell, member; of the District of Columbia Democratic Central Committee.

STATEMENT OF KENNETH C. KENNEDY, VICE CHAIRMAN; ACCOMPANIED BY: MRS. MARY ORCHIN, MEMBER; MRS. BARBARA MORGAN, TREASURER; AND ALFRED BELL, MEMBER; DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE

Mr. KENNEDY. Thank you, Mr. Chairman.

I appear today as vice chairman of the Central Committee of the Democratic Party of the District of Columbia. I am authorized by that committee to represent, in the strongest of terms, support for congressional enactment of meaningful legislation to grant self-determination for the citizens of the District of Columbia.

Appearing with me is Mrs. Mary Orchin, member of the Democratic Central Committee, Mrs. Barbara Morgan, Treasurer, and Mr. Alfred Bell, member of our committee.

The movement to fully enfranchise all of the citizens of this Nation has been one of the high priorities for the Congress during the last decade, and the District of Columbia Democratic Central Committee now urges this Congress to make self-determination its number one priority.

VOTING RIGHTS

There is the dramatic evidence of the changing political life in many communities and States following the enactment of the 1965 Voting Rights Act.

The 26th amendment brought full responsibilities and rights of citizenship to our 18-year-old citizens. We, in the District, would like those same rights extended to all of our citizens.

Significant barriers to voting imposed by registration laws were eliminated in the 1970 amendments to the Voting Rights Act. The barrier to real political participation by citizens of the District is 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.

During the week of April 11, 1973, the U.S. Senate was considering further ways to remove the impediments of archaic registration laws with consideration of the McGee bill authorizing voter registration by mail.

Beginning in 1956, with the election of officers of political parties, Congress has inched toward providing citizens of the District a small measure of political comparability with the citizens of the rest of the Nation.

This now extends to participation in the election of the President and Vice President, the District's school board, and, in 1971, the election of a Delegate to the Congress with his limited right to participation in the House.

GROWTH AND MATURING OF POLITICAL PARTIES

Paralleling these developments has been a fuller participation by the District citizens in the organization of responsible political parties capable of fully supporting not only their role in the nominating and election processes, but equally important, their role as responsible individuals 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.

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.

Therefore, it is clear that the citizens of the District should be delegated the full powers of State and local government so that after a lapse of 100 years they will once again be able to control their local affairs.

There should be no congressional hesitation since the Federal role as Congress chooses to define and exercise it is totally protected by the Constitution.

FEDERAL AREAS TO BE MAINTAINED

There are, however, three Federal areas that should be maintained and they include the well being of the diplomatic community, the maintenance of federally owned buildings, lands and monuments, and, finally, the physical maintenance of the three branches of Government. All other functions should be delegated to the District.

MAYOR AND ASSEMBLY

There should be established a strong mayor form of government with a District assembly composed of 13 members.

The Mayor should be elected to a 4-year term in a partisan election and due to the unique nature of the city, will act as a county executive, and Governor, as well as mayor.

Major appointments should be made by the Mayor with the advice and consent of the assembly, that is, department heads, police chief, and so forth, and the authority to engage in functional agreements with surrounding jurisdictions must be continued.

The 13-member District assembly should be elected on a partisan basis for 3-year terms with eight elected from wards and five at large members.

Furthermore, any agencies which do not have identified Federal functions, such as the National Capital Housing Authority and the Redevelopment Land Agency, should be transferred to the city, and any agencies with split local and Federal functions, such as the local planning authority of the National Capital Planning Commission, should relinquish local responsibilities to the District.

FINANCIAL AUTHORITY

Since financial solvency will be a major ingredient in determining the success of self-determination, the District should have complete authority to set both new and existing local taxes.

The authority that is requested is that which is generally possessed by both State and local government. The District should be authorized to engage in public borrowing for capital construction through either tax exempt bonds or a Federal guarantee of local District bonds.

Any debt ceiling should be established by a two-thirds concurrence of the District assembly.

FEDERAL PAYMENT

Complete authority to establish the local budget should rest with the District and the Federal payment, presently \$190 million, should continue.

However, to maintain the viability of the city, two major considerations on the Federal payment must be recognized.

First, that the payment cannot remain at a static, fixed level as the needs of the city grow, and, second, that the procedures for the Federal payment should be automatic and be provided at the beginning of each fiscal year to allow for the orderly operation of local functions.

For the next 5 years, the Federal payment should be increased by the same percentage as the increase in the local general revenue funds and, after this period, the Federal payment should be reexamined.

The CHAIRMAN. We provide that, do we not, by our 40-percent formula, that is geared to the general revenue funds of the city.

Mr. KENNEDY. I think the provisions of your bill, Senator, would practically meet the request, that we are suggesting here. They are not identical, but I think the substance of it, yes.

REVIEW OF OBLIGATIONS

The Congress should also begin an extensive review of outstanding and potential obligations so that the city is not unreasonably burdened with extraordinary expenditures.

For example, no payment has been made on the \$20 million outstanding debt for construction of the RFK Memorial Stadium, and

while the District is responsible for principal and interest payment, the stadium is owned by the Federal Government.

Transfer of title to the District should occur with some shared Federal-District method of retiring the obligation.

There must also be established a mechanism to reimburse the District for expenditures requested by the Federal Government such as the local costs associated with the Inauguration and as well as mass demonstrations that occur in the city.

VOTERS

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.

SELF-DETERMINATION COALITION POSITION

The following is the position of the Self-Determination Coalition which the District of Columbia Democratic Central Committee strongly endorses and supports.

LOCAL TAXING AUTHORITY

First, local taxing authority. The new District of Columbia government should have complete authority to establish local taxes and engage in any other revenue raising activities which it deems necessary.

The local taxing authority should include the power to set not only those taxes now established by Congress, such as the District's income tax and the sales tax, but also any new taxes, charges, or fees. The District should also be authorized to establish other income raising methods determined appropriate.

The local taxing authority for the District should be analogous to that now generally possessed by State and local jurisdictions.

This comprehensive local revenue raising authority is essential if the new District government is to have the flexibility necessary to meet the current and future needs of the city.

Pursuant to such authority, the new District government would carefully review at the outset, and on an annual basis thereafter, the level and applicability of existing local taxes and the desirability of any additional taxes or fees and charges.

With respect to other revenue raising authority, the District would presumably wish to examine such potential revenue items as lotteries and off track betting.

Experience in other jurisdictions indicates that these types of revenue producing activities should be fully explored.

The local taxing authority we envision is one unhampered by any restrictions in the enabling legislation.

Recognizing that there might be certain areas of disagreement at this point, in terms of the extent of the District's authority as it might affect individuals, activities, or organizations within the city, we would propose that any restrictions on the District's ability to raise revenue from local sources be fully recognized and accounted for in the computation of the Federal financial commitment to the District.

Absent either complete local taxing authority, or appropriate recognition of a reduced local taxing base in Federal financing for the city, the District could find itself seriously hamstrung in its effort to rationally fulfill its responsibilities to both the local citizenry and the obligations resulting from the presence of the Federal Government.

LOCAL BORROWING AUTHORITY

Next, local borrowing authority. The new District government should be authorized to engage in public borrowing for the capital construction expenditures of the city.

The borrowing authority should be flexible to the extent necessary to allow the city to either pledge specific revenues to a particular bond issue or to provide general borrowing with principal and interest paid through the use of operating funds.

The District's borrowing authority, in a manner analogous to most State and local jurisdictions, should consist of the power to issue tax-exempt bonds. In the event that Congress, through the enabling legislation, should determine that a Federal guarantee should be tied to an automatic interest-subsidy payment by the Federal Government.

This interest-subsidy feature would be necessary to insure that the District be able to borrow at effective rates comparable to those available in the tax-exempt market.

The District's current outstanding capital debt, which consists of long-term borrowing directly from the Federal Government, should be repayable either according to the existing payment schedules or through refinancing by the District government, utilizing its new borrowing authority.

Specific provision should be made for the exclusion from the District's local debt of any outstanding obligations of the Federal Government, such as the indebtedness of the National Capital Housing Authority.

Those obligations are likewise "Federal obligations" within State and local jurisdictions and should not be considered local borrowing.

The District's borrowing authority should be subject to a debt ceiling established by the local legislative body.

The initial debt ceiling and any future changes in the ceiling should be determined by two-thirds concurrence of the full local legislative body. The District's borrowing authority should be subject to the annual budget process of the city.

LOCAL BUDGET AUTHORITY

As for local budget authority, the new District government should have complete authority to establish the local budget.

This authority should be divided between the executive branch, through submission of an executive budget, and the legislative branch, through the approval process.

The District budget should be balanced on the basis of all funds available to the city, with authority to engage in short-term borrowing in anticipation of revenue receipts.

FEDERAL PAYMENT

Regarding the Federal payment, an annual Federal payment should continue to be made to the District government.

Historically, this payment has been made in recognition of the presence of the Federal Government and its significant impact on the city.

That impact was recently reviewed in detail by the Commission on the Organization of the Government of the District of Columbia.

The Commission, quite correctly in our view, concluded that it is difficult if not impossible to quantify the impact of the Federal Government in the District.

Rather, the Commission outlined numerous factors which underlie the Federal financial commitment to the city.

Those factors include the significant amount of land, and land value, in the city exempt by virtue of Federal ownership, the unique limitations on the local tax base due to the relative lack of revenue producing commercial and industrial enterprises; limitations on the District's tax base due to height limitations and other zoning restrictions; and the effect of Federal agency relocation and leasing decisions.

The list of factors is illustrative of the considerations inherent in the congressional decisions over a period of decades in providing the Federal payment for District government operations.

The Commission viewed the Federal payment as representing an equilibrium or balancing the benefits and costs resulting from the Federal presence.

The result of the historical balancing and decisionmaking on the part of the Congress with respect to Federal responsibility to the city is reflected today in the existing annual authorized Federal payment of \$190 million.

The historical perspective which has led to the establishment of that amount appears to us to be an appropriate place to begin the new Federal-District financial relationship.

We would propose that the annual Federal payment be established with two objectives in mind.

The first objective is a clear recognition that the payment cannot remain at a static, fixed level as the needs of the city continue to grow.

Rather, the payment, as has been the case historically, should be established so as to allow for increases based in a rational manner upon the District's own revenue commitments and resources.

Second, the procedure by which the Federal payment is made to the city should be automatic.

Payment should be automatically appropriated and provided to the city on a timely basis at the beginning of each fiscal year.

This feature will allow the local District government to accurately predict the resources it has available and proceed with its budget planning and city operations in an orderly and efficient manner.

In recognition of the congressional determination of the current amount and the historical incremental increases provided by the Congress, we would propose that the enabling legislation provided in the initial year, the current authorized payment of \$190 million.

For the succeeding 5 years, that payment would automatically be recomputed to reflect an increase by the same percentage as the increase in the local general fund revenue.

At the end of 5 years, the question of the future Federal-District financial relationship should be examined jointly by the District government and the Congress to determine the appropriateness of this method of computation in light of the 5-year experience.

This proposal is designed to build on the wisdom of the prior congressional decisions on the Federal commitment to the city, and to insure a specific payment to the city for budgetary and planning needs.

EXISTING OBLIGATIONS

Regarding existing obligations, in order to insure that the new District government is not unreasonably burdened with extraordinary expenditures as a result of expanded functions or unique circumstances, a careful review of outstanding and potential obligations should be undertaken with the objective of identifying those obligations originating either in Federal commitments or a transfer of functions to the new government.

These obligations should be accommodated through appropriate funding in legislation authorizing local self-government.

Examples of the type of obligations to be considered in this review include the following:

Robert F. Kennedy Memorial Stadium.—No payments have been made on the approximately \$20 million in outstanding debt for construction of the stadium.

While the District is responsible for principal and interest payments, the stadium itself is owned by the Federal Government.

Recognition should be given to this outstanding obligation, possibly through some shared Federal-District method of retiring the outstanding obligations and transferring title for the stadium to the District.

St. Elizabeths Hospital.—With the transfer of St. Elizabeths Hospital to become a part of the comprehensive mental health programs of the local District government, some arrangement should be devised to compensate the District for services of a Federal nature and for the absence, in the short term, of normal Federal financial assistance for facilities of this nature.

Higher education.—States and localities have proceeded with the development of higher education facilities over a lengthy period of time and in many cases with substantial Federal assistance during much of that period.

Only recently has recognition been given, through the enactment of legislation, to the need for higher education facilities in the District of Columbia.

This fact has resulted in significant requirements for capital outlays to provide higher education facilities in the District and those expenditures should be considered in the review which we are recommending.

Personnel system.—In certain instances the District government has, through its operating budget, contributed significant amounts to various Federal personnel retirement systems.

With the creation of a unified local personnel system and local retirement funds, appropriate reimbursements should be made into those funds in recognition of past District contributions to the Federal retirement system.

Similarly, consideration should be given to the funding needs of new retirement funds for District police and firemen.

FEDERAL REIMBURSEMENTS

Finally, regarding Federal reimbursements, a mechanism should be established to take care of future situations in which the local District government must obligate itself, because of a request or action by the Federal Government, to expenditures uniquely related to Federal activities.

Some of these expenditures may be on a periodic basis, such as the local costs associated with inauguration of the President.

Others may be associated with unforeseen events involving the Federal Government, such as mass demonstrations in the city.

Generally, these expenditures are likely to occur as the result of requests by the Federal Government to develop either local programs or local facilities to serve the Federal interest.

Typically, these expenditures have not been included in the annual Federal payment to the city because of their uniqueness and the fact that they are difficult to anticipate.

A reimbursement device will give the Federal Government greater flexibility to utilize District government resources as may be appropriate to meet specific Federal needs.

The determination as to the appropriate amount to be paid by the Federal Government for these types of unique expenditures should, in the first instance, be made by the District government and then be subject to audit by the General Accounting Office.

A determination as to the actual appropriation and payment should be made through the creation of an advisory body consisting of representatives from both the Congress and the District government.

Upon determination by that body as to the appropriate sum, appropriation to the District should be on an automatic basis in the same manner as the annual Federal payment.

FEDERAL ROLE

The Federal Government would best be served by adopting legislation delegating the full powers of State and local government to the citizens of the District of Columbia.

The delegation of legislative, executive, fiscal and budget authority to an elected municipal government is completely consistent with the intent and wishes of the drafters of our Constitution.

James Madison in Federalist Paper No. 43 supported the logic and validity of a locally elected government for the Nation's Capital.

For the greater part of a century the Congress recognized this intent and established various forms of local government for the city.

However, today, we remain the "last colony," disenfranchised citizens in a nation embedded in the principle of the consent of the governed.

Tragically, the citizens of the District have been denied the unalienable right to elect their own representative Government, to control their budget and revenues, to participate in the daily decisions that effect their lives and to uphold the rights and duties of the U.S. Constitution.

Self-government would end the isolation of the people from their government and begin the establishment of a political involvement where the citizens may logically and systematically approach the problems that affect their lives.

There exists no justification for the second class citizenship that has been relegated to the citizens of Washington.

The buck should no longer be passed between the District Committee and the Mayor and City Council.

This divergence of power and authority has unfortunately led to apathy and a lack of concern by too many Washingtonians.

It is clearly in the Federal interest to free Congress from the burdens of dealing with the District's purely local affairs.

A full-time, locally elected government held accountable to the citizens of the District will lead to a more practical, efficient and cost effective government.

Without question, the Federal role as the Congress chooses to define and exercise it is protected by the Constitution which grants the Congress exclusive jurisdiction over the District of Columbia.

Clearly, the Federal and local interest should be in harmony.

One supplementing and embellishing the other to enhance the beauty and operation of our city.

The primary question, therefore, is what is the Federal function and to which agency, or Council, should Congress delegate various functions over which it maintains constitutional responsibility.

Which functions are best served by a locally elected government and which should be under the control of a congressional committee or Federal agency.

Therefore, we believe, that the Federal Government has three special responsibilities within the District.

First, the responsibility for the well being of the diplomatic community.

Second, the responsibility for the establishment, care and maintenance of federally owned buildings, lands and monuments and thirdly, to maintain the physical operation of the three branches of Government to insure that the constitutional rights are guaranteed to the citizens of the District.

All other functions concerning the District should be delegated to a locally elected government. Overlap and areas of disagreement may arise, but the Congress has ultimate authority to act if it feels that the actions of the District of Columbia are in conflict with the Federal function. This power would not be inhibited or infringed upon by the establishment of local self-government.

FORM OF GOVERNMENT

Regarding the form of government: The District of Columbia Democratic Central Committee recommends the establishment of a mayor-council form of government.

This would include a District assembly consisting of 13 members. The proposed assembly, larger than the present nine member Council, would be necessary to meet the increased responsibilities, delegated to the city, that are being generated by self-government.

Jurisdictionally, the District would perform the functions of a city and county as well as a State.

The strong mayor form of government should be instituted. This would be consistent with most of the large metropolitan jurisdictions in the Nation.

EXECUTIVE BRANCH

Regarding the executive branch: Due to the nature of the District, the Mayor will function in a unique political environment.

This is, of course, due to the relationship with the Congress, the executive branch and the surrounding areas.

The powers of the office of Mayor will be a combination of the Mayor, county executive and Governor as is presently the case.

Due to the proximity of Maryland and Virginia, the District will work closely with these States and their counties on metropolitan problems such as pollution and water supply.

The present authority of the Mayor to engage in functional agreements with surrounding jurisdictions should be continued.

The Mayor should be elected to a 4-year term of office in a partisan election.

Major appointments would be made by the Mayor with the advice and consent of the assembly. This could include such offices as the department heads, police chief, fire chief, U.S. attorney, auditor and with some exceptions, the board members of all present local agencies.

Such other appointments as have been made by the President of the United States would also follow this procedure.

LEGISLATIVE BRANCH

Regarding the legislative branch: The District of Columbia Democratic Central Committee recommends that the members of the Dis-

trict assembly be elected on a partisan basis both from wards and at-large districts.

With both ward and at-large members, there would be an established balance between neighborhood concerns as well as individuals taking a broader view of District problems.

To afford this balance there should be eight assemblymen elected by wards and five at-large members.

Assemblymen should serve staggered terms of 3 years, and that the assembly elect its chairman and vice chairman from among its 13 members every 3 years following the election of its members.

If a vacancy should occur before the expiration of a term, the opening should be filled by the political party of the vacated member.

The District assembly should have full legislative power over local affairs and have all the powers normally vested in State and local government.

With an area as small and compact as the District, there is no apparent need for a bicameral legislature since all interests can be represented within the assembly.

However, the assembly should be empowered to alter its size through the use of a referendum.

The statute should contain a full disclosure provision requiring for publication of all assets of persons running for public office in the District of Columbia.

The new legislative powers are in large part proposed in the Nelsen Commission report. It should include the right to set new taxes and alter existing tax rates and be able to participate in all Federal grant programs.

Due to the constitutional authority vested in the Congress, we would require both houses of Congress to veto in order to block a city council measure from becoming effective.

GOVERNMENT ORGANIZATION

Regarding government organization: Any agency or department exercising functions which do not fit into identified categories of Federal functions should be transferred to the District government.

This would include among others the Redevelopment Land Agency as well as the National Capital Housing Authority.

Also, agencies, that have dual local and Federal responsibilities should relinquish the local functions and concentrate entirely on its Federal authority.

This would apply to an agency such as the National Capital Planning Commission which would relinquish local planning responsibilities to the District government, but retain its authority over Federal buildings and lands.

In addition, the District should have the authority to reorganize local functions it deems necessary so that it may more effectively deliver services to the citizens.

Mrs. ORCHIN. Mr. Chairman, I would like to say that we would like to see some bill come out of Congress as far as self-determination of the people of the District of Columbia is concerned.

SUPPORT S. 1435

The CHAIRMAN. Mr. Kennedy, although you have certain suggestions to make as to how S. 1435 could be improved, the size of the Council, how many members, and so forth, I take it that in general you support at least the basic thrust of S. 1435, subject to certain modifications, but the concept of the bill, you on behalf of the District of Columbia Democratic Central Committee seem to support?

Mr. KENNEDY. We do support that, Senator, and further we support the concept of home rule now for the District, for we believe that that is what is possible to get through the Congress now, and, therefore, we support home rule for the District.

STATEHOOD

The CHAIRMAN. What position, if any, has the District of Columbia Central Committee taken currently, or in the past with respect to statehood for the District of Columbia?

Mr. KENNEDY. The District of Columbia Central Committee has not taken a position formally, while it has been discussed in detail, and there are some members of our Central Committee who believe statehood ought to be the ultimate form of government of the District of Columbia.

Our committee as a whole has consistently supported home rule as the present route toward self-determination.

The CHAIRMAN. Thank you, Mr. Kennedy, ladies and gentlemen, for being with us.

Mr. KENNEDY. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Mr. Charles I. Cassell, chairman of the District of Columbia Statehood Party.

Mr. Cassell, we welcome you. We have your prepared statement. If at all possible, we would like you to highlight for us your statement and give us the benefits of your principal arguments.

**STATEMENT OF CHARLES I. CASSELL, CHAIRMAN,
DISTRICT OF COLUMBIA STATEHOOD PARTY**

Mr. CASSELL. Thank you, Mr. Chairman.

I have timed this statement. It takes just about 12 minutes.

FEDERAL PAYMENT

I would like to begin first of all by commenting on a statement made by the Mayor, when he referred to the possible loss of a Federal payment under a statehood form of government for the District of Columbia.

I am certain that the Mayor speaks sincerely, and based on the best information he has, but I hasten to say that the Mayor is as grossly uninformed as any.

He seems to think that statehood for the District of Columbia would automatically lose for us the Federal payment.

Rather than argue with that, I point out Congressman Dellums, who introduced the bill for statehood in the House of Representatives answers that argument.

In a statement he made before Congressman Brock Adams' committee just a couple of weeks ago, he states:

The one area about which most questions are raised concerning statehood is that of this city's economic base. Statehood opponents question if the city could survive independence.

I strongly believe the answer is "yes" and I give these reasons.

First, there is no mandatory requirement that the city relinquish the so-called Federal payment if it becomes a State.

The term payment is somewhat mystifying. Exactly what is being paid for and in what way.

In reality, it is no more than a block grant which is tailored to meet the difference in the District of Columbia government's revenue estimates and what can be raised through taxes and other payments.

It is certainly not a quid pro quo payment for services rendered, or some accounting of what might be raised if Federal Government properties were taxed at an equitable rate.

To go on, given the argument that under statehood there will be the remaining enclave District of Columbia encompassing the Federal buildings, and, therefore, the reason for the Federal payment would be removed, that argument is nonsensical.

Probably less than half the Federal properties would be included in the new District. Still in the new State would be: Walter Reed, the Naval Research Lab, the Naval Observatory, Bolling Air Force Base, Anacostia Naval Air Base, Fort McNair, the Marine Barracks, the Navy Yard, the old Bureau of Standards land, Soldiers Home, all the parks, which are under the Interior Department, the Zoo, and the National Arboretum.

Since all those properties impact on the services of the city—and many of them occupy valuable land—there is no possible way that we can ever conceive of this city without a real and sizable Federal payment.

There are two possible courses of action which might be taken.

First, and most desirable, amend the statehood bill to include a proviso guaranteeing an annual Federal grant, based on increments to a chosen level and adjusted for the cost of living or whatever, with Congress only having an up-or-down vote on it, if at all.

Second, perhaps more politically feasible would be some means of reducing the current payment over a set period, say 10 to 15 years, while at the same time establishing a new real Federal payment for services rendered to Federal facilities and for tax offsets.

The second reason is the fiscal future of any governmental unit is based upon its ability to tax.

REVENUE

This city is particularly hampered because as one recent study noted: There is a "failure of Congress to provide a revenue system which meets District of Columbia's special needs * * * District of Columbia collects less revenue because of congressional restrictions on District of Columbia's taxing ability." This is quoted from, "If We Can't Tax the Capitol" by John Yinger and Carol Meyers, published by the Washington Center for Metropolitan Studies.

The facts here are blunt. As long as the self-interests of Members

of Congress prevent this city from enacting its own tax rates, then it never will have an adequate income base.

This would be very evident under any home rule system in which Congress retains ultimate veto power.

Take, for example, three areas of potential tax increase.

(1) Sales taxes on tobacco and liquor and tobacco, presently low here not because of any great love for the smoker or drinker, but because powerful Members of Congress with districts having large employment because of liquor and tobacco production prevent higher taxes on those products.

Obviously, the aim here is not for prohibitively higher taxes, because all that would do would be to drive consumers into the suburbs for purchases. The study I mentioned before notes that, "we suspect * * * there is additional revenue to be gained from higher taxes on both alcohol and tobacco."

(2) Taxes on nonresidents, that is, the commuter tax and its variants.

It seems probable that as long as Congress can have final say over this city's tax powers that there will never be a commuter tax.

(3) The glut of nontaxable organizations here—most of those gaining that status from the Congress—represent a major loss of potential revenue. But those organization's status will never be changed if the decision were up to the Congress.

ECONOMIC DEVELOPMENT

Third in the three major areas of this city's economic base is the strategy of development itself.

Even given the lack of any large scale industrial base, the economic potential of the city proper is substantial.

For example, here are some statistics from the Executive Director of the National Capitol Planning Commission.

Annual gross product in 1971 was over \$10 billion. From 1963 to 1971 the annual average growth rate was more than a half million dollars a year, and for the period, was over \$4.4 billion.

That gain represented a 76-percent expansion in the city economy.

Assessed land value rose \$4.5 billion over 12 years.

New building construction between 1962 and 1971 was over \$1 billion.

From 1960 to 1971, there was a net gain of almost 64,000 jobs—a rate of 14 percent yearly, or 5,800 jobs per year. At the same time the total population of the city declined.

Another study shows that the city has the largest percentage of families in the metropolitan area with incomes between \$12,000 and \$15,000, and that the number of poor families is declining while the middle-income family is rising at a fast pace.

Those studies and statistics indicate there is indeed a sizable economic base for this city, and that that base is expanding at a healthy rate.

So, if there is a drag to economic development, then, once again, the key factor is political.

It is a political drag which prevents development of the Bolling Air Force Base into a housing and industrial center.

It is a political decision which opts for massive funds for redeveloping Pennsylvania Avenue and other parts of downtown, while at the same time, the ruined 7th Street, 14th Street and H Street corridors remain in rubble.

It is politics which tears down low-income homes and stores and builds instead high-income high-risers.

It is the political influence of a few powerful men who control the zoning decisions and other factors which line their own pockets, but do nothing to create real job and real economic opportunities.

And when I say politics, I mean the Congress and its influence.

I would point out, as you said, the purpose of that payment is to compensate for moneys the city cannot raise in the normal way of taxing land.

The Federal payment is merely a payment for the presence of the Federal Government.

COMPENSATION FOR LOST REAL PROPERTY TAXES

The CHAIRMAN. If the Congress were to appropriate moneys to compensate for real property taxes lost in the District of Columbia, would we not be obliged to do that nationwide? For instance, Rhode Island has a large number of Federal installations, not as large today as it was a couple of weeks ago, but a large amount of Federal installations. Would we not be obligated, if not legally, but morally, to compensate Rhode Island for the loss suffered there, and in any other State?

My State has a large amount of Federal installations, not as large as some, but Fort Woods, should we compensate for that?

Mr. CASSELL. Not having lived in a State all my life, I do not know how the citizens feel, however, if I were a member of the State, and I felt if the presence of a large Federal activity there placed my State at a disadvantage if we did not tax that land, I think I would be making the same case I am making now.

The CHAIRMAN. Over half the land in Alaska is federally owned, so I presume under that same theory, we would have to compensate Alaska?

Mr. CASSELL. I think as far as Alaska is concerned, there are other compensations the U.S. Government has made to bring that State into being.

I think Alaska is an excellent example of the viability of Washington, D.C., as a State.

When Alaska came into the Union, the United States similar to an attitude taken with all other States entering the Union, was very gracious.

Since we are a nation that believes in a union of States, the United States was very receptive to whatever assistance they could give.

They provided for them millions of acres of land. I am told, they provided for them billions of dollars. They allowed them to have something like 70 percent of the revenue from the otter and seal skins, and some 80 percent of other revenues, and this helped them to develop their own viable economy.

I do not know whether Alaska needs a Federal payment right now, nor do I know that Alaska itself is asking for that.

Alaska is already a State. We are still a colonial territory here, so I think the arguments against statehood are made not in our best interest, but simply devised because people have other reasons for not wanting to see these 800,000 citizens have an equitable political and economical base in this country.

I cannot see Hawaii, over 6,000 miles away, and Alaska, off the continent of the United States, having the kind of equity in the U.S. Congress, and the right to select their own Governor, and State legislature, why these loyal American citizen who serve in services as everybody else does, pay taxes, contribute to the United Givers Fund on the same basis should have less privileges and authority than others, but before my time is up, I would like to get on with my statement.

Mr. Chairman, I am Charles I. Cassell. I am a member of the elected District of Columbia Board of Education and the chairman of the District of Columbia Statehood Party.

I cannot remember how many times I have appeared before public officials such as yourselves to list the horrid consequences of the colonial rule we have endured for so long in this city and to argue for a truly representative government.

Each day brings new evidence of the urgent need for establishing a government here which is on an equal par with the other 50 States in the Union.

However, our deep concern for local government has not made us unmindful of the continuing struggle for all Americans to have more meaningful influence on their national Government.

This past week has been a tragic one for all of us.

After extensive publicity over what has been called "Peace with Honor," the United States has reescalated the war in Cambodia.

The Nation has been shocked by startling revelations of lawlessness emanating from the White House in the Watergate case.

We discovered that the cost of food increased by a scandalous 3.1 percent during the last 30 days.

During the same week there were a series of similar assaults on the well being of citizens of the District of Columbia, assaults which are directly related to the absence of statehood.

They are as follows:

RENT CONTROL

According to the press the mayor, in a shocking series of reversals, denied to a House committee the need in our city for any kind of rent controls.

When it became clear that the committee had evidence, in the form of hundreds of letters from District residents, that such a need does exist and when a Republican Congressman took the lead in pressing for rent control powers for this city, the mayor asked the Congress to grant to the city the powers he had said were unneeded.

All this in the period of 1 week. One Government official, hinting at the reason for the reversal, said, "The committee may be well ahead of the District government on this whole thing."

LAWYERS FOR INDIGENTS

No less serious an assault on our well-being has been the ominous threat to our judicial system. Despite the insistence of District of

Columbia Superior Court Chief Judge Harold Greene and the two highest officers of the District of Columbia bar and the chief judge of the District of Columbia Court of Appeals that the functioning of the city's courts would be imperiled if funds were not provided to pay for lawyers to defend indigents in criminal cases, the mayor has made no requests for the necessary money for the court system in the District of Columbia budget.

During the past 5 months, Judge Greene has made three public pleas for such funds. As you know, lawyers here are considered eligible for these funds because the prosecution in the superior court and in the District of Columbia Court of Appeals is handled by the Federal Government, through the U.S. attorney's office.

However, the Federal Judicial Conference, the body that oversees the Federal courts and the handling of the corresponding Federal funds, voted last fall and again in early April to cut off the funds.

The courts must, however, provide lawyers because the Supreme Court ruled recently that a person who is not represented by a lawyer cannot be sentenced to a single day in jail.

The Judicial Conference, acknowledging the need for representation of the indigent, maintains that the lawyers should be paid with District rather than Federal funds.

The District government says the funds are the responsibility of the Federal judiciary. This is a very familiar situation—buckpassing from a mayor who is criminally neglectful of his responsibility to represent his constituency before the Federal Government which cannot initiate requests to itself for funding.

The danger of less than fully representative government is that this sort of shifting of responsibility could easily be perpetuated.

Gentlemen, according to Judge Greene, unless somethings happens in the next 2½ months, our judicial system may well come to a halt.

This, says the judge, is a situation that is unthinkable. To the people of the city it is a terrifying prospect. One cannot imagine a court system coming to a complete halt in any one of the States.

ALLEY CLOSINGS

In a third development, the people were informed through the media that the District of Columbia City Council, appointed by the President of the United States, had closed two city alleys, opening the way for developers to get the land occupied by the alleys—probably worth more than \$400,000—for free.

City officials, citing a 1932 law, contend that they have no choice but to give the land away, although protesting citizens claim that the Street Adjustment Act of 1932, properly interpreted, requires the city to sell closed alleys at fair market value.

Rather than support his constituents, City Councilman Jerry Moore, also appointed by the President, chairman of the Council's Transportation Committee, agreed with developers, Kogod and Burka, who received a \$60,000 windfall upon the closing of an alley. The alley runs between a small shopping center, including the Apex Theater, in the 4800 block of Massachusetts Avenue, and a food store parking lot behind it.

In another instance last week, the city government gave away \$400,000 in alley closings. It is shocking that the city government, which is too stringent about poor people's tax obligations, welfare assistance integrity, traffic fine violation, rent payments, and so forth, can yield, claiming powerlessness to moneyed interests to the tune of \$480,000 in 1 week.

It is shocking that the city government joins those whose major motive is material profit in giving away land when it cannot move to provide housing for thousands of its citizens. I submit that the city officials may well be accountable to others than the citizens.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

In addition to these developments, the people have been further insulted by an announcement made this week of appointments by President Nixon to the powerful Pennsylvania Avenue Development Corporation.

All of the appointees are very wealthy business people, few of whom live and/or work in the area. The only possible involvement of small business persons and residents will be on a seven-member advisory committee which has not yet had the President's attention.

Not only is his development corporation fully unrepresentative of this city in which it will have planning and condemnation powers, but the legislation for development of the avenue, all the way up to E Street in some places, violates the rights of the District of Columbia citizens to determine how their city shall be developed.

And this is possible because of our helpless colonial status, in which our city is divided, paved over, and rebuilt for the benefit of special interest groups.

In no other capital city in what has been identified as the free world is there a comparable situation.

I mention all of this, because this is a condition that will continue under any of the other proposals before you have statehood, and I intend to develop that.

In no other capital city, is there a comparable situation. In the CBS program last year called "Captive Capital City," in which they pointed out, in England in France, Germany, Australia, considered free world capitals, none of them have the powerlessness in their local cities that we have in the stronghold bastion of democracy, and none would think about bringing a highway through a neighborhood in London, England, or in Paris, France, over the objections of the people, or over the objection of that local government, because they have the authority themselves to make the determinations.

Added to the issues I have mentioned are a series of others which, while they may appear minor, demonstrate how citizens of this beleaguered city are continually denied authority and services basic to their general welfare.

STORE CLOSING

I shall refer, for example, to the announcement of the impending closing of a Safeway store operating at 1865 Columbia Road, NW.

This will be the ninth such closing in the District of a Safeway

store. It is significant because it illustrates that while the city has the authority to license such essential service activities, it takes no real interest in their withdrawal.

The city does not accept responsibility for assuring through any sort of regulatory apparatus the equitable distribution throughout the city of such services, and the people who are affected have no means of ejecting from positions of power the unresponsive officials.

Even an elected mayor and council, whose decisions would be subject to approval of the Congress, as they would under home rule, would feel accountable to that Congress rather than the public they would supposedly serve.

The CHAIRMAN. How would statehood prohibit Safeway from closing a store?

Mr. CASSELL. I do not know what happened, but I do know the regulatory bodies may do the same thing as public utilities do, that is to mandate, if you are to provide necessary service in this area, you must provide them in such a way as serves the majority of the citizens.

They will tell them where they should locate, how they should locate and the quality of those services, and if you are to operate at all, you cannot pull out those services. You cannot have any, if you are going to locate those in only such a way as to maximize profit.

The CHAIRMAN. Public utilities utilize the right of eminent domain. But is there any law in any State that can mandate, with the exception of public utilities, that operate at a loss must continue in business if it sees fit not to?

Mr. CASSELL. What I am saying is a State or a city has the right to indicate a condition under which anybody can operate if they are providing a central service.

This has not been done in the States, but it can be done. One of the reasons it can be done is those people that operate for profit are dominant and influential in the legislatures.

In the City of Washington, with all of the problems we have, I think we might learn from some of the deficiencies, but the authority is there. I don't even think that there is a constitutional issue, if a State decides you are to provide services, those services have to be provided, that they are available to all of the people.

The CHAIRMAN. I must disagree. There is no legal authority, that absent a public utility which utilizes the right of eminent domain, which gives a State any right to make a business operate that decides it doesn't want to operate.

Mr. CASSELL. Perhaps you are right. That is a problem that needs to be worked on. In Washington, D.C., I say we find ourselves having most of the chain stores, that includes Giant, to withdraw their services, and when they come in, they say this is not essentially to make a profit, but to provide needed and essential services.

It seems to me a city or State may develop some apparatus to make those services available.

I find if they are elected, and their final authority is the people at the polls, rather than to face possible congressional veto, as in home rule.

If I had all of the answers I would give them to you, but I am sorry, I don't have an answer to that one.

I have presented these issues to you to demonstrate the intense onslaught that District of Columbia citizens have faced in just 1 week. You can imagine the trauma that would attend a review of the events of the week before and each week over the past year.

APATHY

The outcry over local conditions should be as loud as that over the Watergate. However, these horrendous incidents are so commonplace in this puppet government as to be a way of life.

When people continually face dangers they are powerless to overcome, the last line of defense against their anxiety is apathy. In this day and age, apathy is particularly serious because of its close relation to violent reaction.

From time to time affairs like the Watergate awaken us from our apathy just long enough to realize how apathetic we have become. How much disinterested government has developed in us the habit of uninvolvedness.

It is your immediate interest and involvement that we seek now to effect a real solution to the conditions that have brought about this dangerous apathy.

We can no longer afford to play around with unique and special evasions of honest and equitable representative government for the 800,000 citizens of the District of Columbia.

That is the way I characterize all of those proposals that are before you, evasions of true, honest government.

We have no question about statehood. Statehood is well defined, it is tried and proven.

Regarding the special kind of arrangements proposed for the District of Columbia, none are tried and proven, none have been tested in the courts.

There is no experience, and I suggest that they may all be very much ineffective and challenged even in the courts, because there is no basis for comparison.

Each of us knows full well that there is only one form of true political and economic representation in this Nation.

TWO MAJOR OBSTACLES TO STATEHOOD

You who are creatures of statehood know that above everyone else. We also know that there are only two major obstacles to statehood for the District of Columbia.

(1) As indicated by Congressman Ron Dellums of California, in his testimony before Congressman Brock Adams' House Subcommittee on Government Operations, "It is the political influence of a few powerful men who control the zoning decisions and other factors which line their own pockets. And when I say politics, I mean the Congress and its influence."

(2) The presence in the District of Columbia of a majority of black citizens who, under statehood, would enjoy equal status and equal opportunity with the rest of America.

I feel very discouraged when I hear people say we are not asking for too much, you have a right to veto everything we do, it is not a

halfway measure, it is not really all that serious, just give us a little bit.

This is not a straightforward approach to representation. This is not supposed to be the way Americans act.

They are presuming that the Congress is hostile. They are trying to adjust and adapt their approach give in just a little bit.

No one in your States would settle for anything less.

RACISM

It wasn't until the President's Commission on Violence in America that white America was willing to admit that it was essentially racist.

It is time now to face the fact that racism is manifest in the denial of statehood to the District of Columbia. The purpose of the Commission's report was to learn from the mistakes of the past and to avoid repeating them.

TIMID OFFICIALS

The timid proposals for demeaning and ineffective half rule are proposed by those who are terrified by the presumed hostility of Congress.

Their self contempt results from internalization of the historical scorn and disrespect visited upon us by Congress in the past.

Therefore, they relieve the Congress of responsibility for disrespect of basic American principles by perverting the natural and straightforward drive for independence through pleas for meaningless but politically acceptable half rule measures.

They practically apologize to you for asking for the little you do. At the same time, these puppets enjoy the freedom from responsibility that comes from handing over our prerogatives, not realizing that such freedom becomes, not a liberation but a new straightjacket.

They are obligated to torment from their own, asking for a little more please, their own rights, my own rights.

We have it all, gentlemen, in the mayor's response to a citizen complaining about a 20.96 percent increase in her rent, "Regrettably, the District of Columbia has no power to control rents."

This at a time when the Congress was favorably disposed to grant such control. This is the situation to which I referred earlier. It is typical of the humiliating political expediency which would characterize any of the schizophrenic half measures before you.

Therefore, gentlemen, I ask you to take the leadership in the fight for District of Columbia statehood in the Senate as Congressman Ron Dellums has done in the House of Representatives.

As part of this testimony, I am submitting herewith Congressman Dellums' very thorough and persuasive explanation of the economic viability of statehood for the District of Columbia. We won't repeat those.

The CHAIRMAN. We have Congressman Dellums' testimony and we will place it in the record.

[The statement follows:]

STATEMENT OF RONALD V. DELLUMS, A U.S. REPRESENTATIVE FROM CALIFORNIA,
BEFORE THE GOVERNMENT OPERATIONS SUBCOMMITTEE OF THE HOUSE DISTRICT
COMMITTEE, APRIL 3, 1973

The one area about which most questions are raised concerning statehood is that of this city's economic base. Statehood opponents question if the city "could survive" independence.

I strongly believe the answer is "yes" and I give these reasons:

(1) There is no mandatory requirement that the city relinquish the so-called Federal payment if it becomes a State. (The term "payment" is somewhat mystifying: Exactly what is being paid for and in what way? In reality, it is no more than a block grant which is tailored to meet the difference in the D.C. government's revenue estimates and what can be raised thru taxes and other payments. It certainly is not a quid pro quo payment for services rendered, or some accounting of what might be raised if Federal Government properties were taxed at an equitable rate.)

To go on, given the argument that under statehood there will be the remaining enclave "District of Columbia" encompassing the Federal buildings, and therefore, the reason for the Federal payment would be removed, that argument is nonsensical. Probably less than half the Federal properties would be included in the new "District". Still in the new State would be:

Walter Reed
The Naval Research Lab
The Naval Observatory
Bolling Air Force Base
Anacostia Naval Air Base
Fort McNair
The Marine Barracks
The Navy Yard
The Old Bureau of Standards Land
Soldiers Home

All the parks (which are under the Interior Department) and the National Arboretum

Since all those properties impact on the services of the city—and many of them occupy valuable land—there is no possible way that we can ever conceive of this city without a real and sizable Federal payment.

There are two possible courses of action which might be taken:

(1) First, and most desirable, amend the statehood bill to include a proviso guaranteeing an annual Federal grant—based on increments to a chosen level and adjusted for the cost of living or whatever—with Congress only having an up or down vote on it—if at all.

(2) Perhaps more politically feasible would be some means of reducing the current payment over a set period—say, 10 to 15 years, while, at the same time, establishing a new "real" Federal payment for services rendered to Federal facilities and for tax offsets.

(2) The fiscal future of any governmental unit is based upon its ability to tax. This city is particularly hampered because as one recent study noted: There is a "Failure of Congress to provide a revenue system which meets District of Columbia's special needs * * * District of Columbia collects less revenue because of congressional restrictions on District of Columbia's taxing ability." ("If we Can't Tax The Capitol" by John Yinger and Carol Meyers, published by the Washington Center for Metropolitan Studies).

The facts here are blunt. As long as the self interests of members of Congress prevent this city from enacting its own tax rates, then it never will have an adequate income base. And this would be very evident under any home rule system in which Congress retains ultimate veto power.

Take, for example, three areas of potential tax increase:

(1) Sales taxes on tobacco and liquor are low here not because of any great love for the smoker or drinker, but because powerful Members of Congress with districts having large employment because of liquor and tobacco production prevent higher taxes on those products.

(Obviously, the aim here is not for prohibitively higher taxes here, because all that would do would be to drive consumers into the suburbs for purchases. The study I mentioned before notes that "We suspect * * * there is additional revenue to be gained from higher taxes on both alcohol and tobacco.")

(2) Taxes on nonresidents, that is, the commuter tax and its variants. It seems probable that as long as Congress can have final say over this city's tax powers that there will never be a commuter tax.

(3) The glut of nontaxable organizations here—most of those gaining that status from the Congress—represent a major loss of potential revenue. But those organization's status will never be changed if the decision were up to the Congress.

(3) Third in the three major areas of this city's economic base is the strategy of development itself. Even given the lack of any large scale industrial base, the economic potential of the city proper is substantial. For example, here are some statistics from the Executive Director of the National Capitol Planning Commission:

Annual gross product in 1971 was over \$10-billion.

From 1963 to 1971 the annual average growth rate was more than a half billion dollars a year, and for the period, was over \$4.4-billion.

That gain represented a 76% expansion in the city economy.

Assessed land value rose \$4.5-billion over 12 years.

New building construction between 1962 and 1971 was over \$1-billion.

From 1960 to 1971, there was a net gain of almost 64,000 jobs—a rate of 14% yearly, or 5,800 jobs per year. At the same time the total population of the city declined.

Another study shows that the city has the largest percentage of families in the metropolitan area with incomes between \$12,000 and \$15,000, and that the number of poor families is declining while the middle income family is rising at a fast pace.

Those studies and statistics indicate there is indeed a sizeable economic base for this city, and that that base is expanding at a healthy rate.

So, if there is a drag to economic development, then, once again, the key factor is political.

It is a political drag which prevents development of the Bolling Air Force Base into a housing and industrial center.

It is a political decision which opts for massive funds for redeveloping Pennsylvania Avenue and other parts of downtown, while at the same time, the ruined 7th Street, 14th Street and H Street corridors remain in rubble.

It is politics which tears down low income homes and stores and builds instead high income hi-rises.

It is the political influence of a few powerful men who control the zoning decisions and other factors which line their own pockets, but do nothing to create real jobs and real economic opportunities.

And when I say politics, I mean the Congress and its influence.

Mr. CASSELL. Very good. But I think the testimony answers the questions about economic viability, and we would be happy to respond to any questions you have.

ECONOMIC GROWTH

Now, gentlemen, I urge you to pay particular attention to page 5 where he points to the 1971 annual gross product of over \$10 billion in the District, and the annual average growth rate from 1963 to 1971 of more than half a billion dollars per year, with a total growth of \$4.4 billion for that period.

He points out further that this represented a 76-percent expansion in the city economy, that assessed land values rose \$4.5 billion over a 12-year period and that new building construction between 1962 and 1971 amounted to over \$1 billion.

He mentions the fact that from 1960 to 1971 there was a net gain of nearly 64,000 jobs, a 14 percent annual gain, or 5,800 jobs per year, while the total city population declined.

He also refers to a study showing that this city has the largest percentage of families in the metropolitan area with incomes between \$12,000 and \$15,000, and that this percentage is rapidly increasing.

Gentlemen, just as surely as statehood came to Alaska and to Hawaii, each of which is more than 6,000 miles from the District of Columbia, it will inevitably come to us in the District of Columbia.

STATEHOOD

I urge you to assist in seeing to it that statehood come to us, not after years of unnecessary bitterness and turmoil, but through an enlightened, creative course of action with complete respect for the vaunted American dedication to equity, decency and fair play.

I feel that every day of our lives there are choices to be made and that each of us has the option to make them regardless of conditions of circumstance and environment.

Coming out of the same environment as those who would conform their conduct to what are perceived to be safe patterns, I choose a course of action based on true respect for the principles we all espouse.

There have been enough examples for me, often of a heroic nature, to prove that apathy can be overcome.

Witness the lives of Frederick Douglass and Martin Luther King, Jr. Perhaps you are so inspired by Franklin D. Roosevelt and Abraham Lincoln. At any rate you, too, have your choices to make.

The soul of this Nation is tormented this week by deceit and degradation brought about by the awful disparity between our professed ideals and our expressed behavior.

Such disparity need not exist on this committee. Accordingly, I urge you to take a strong stand for statehood for the District of Columbia.

I would like to make an announcement, sir, the Statehood Party is holding throughout the city a series of hearings, in which citizens may be able to express their concern about the same terrible issues I have mention that occurred last week and the week before, and to express their feelings about the kind of government they want.

We feel the majority of the citizens of this city are anxious to have the same authority as those citizens of Maryland and Virginia have.

We know that there are many that will veto the reciprocal tax, so it does not mean anything.

Home rule does not mean anything, the city government would still have to face a hostile Congress.

Our first hearing will be May 3d. On May 3d, which is two Thursdays from now, it will be at 124 P Street, SW., at the citizens meeting room, and we would invite you to come and see firsthand how the citizens feel, not these people who represent political parties, the Board of Trade and people responsible for the Congress and afraid of their jobs.

We would like very much for you to listen to the people, we would like very much for you to do what you know is right.

Statehood for Missouri or whatever is good for these 800,000 citizens.

We are larger than 10 other States, the 800,000 citizens here are more than South Dakota, Wyoming, Delaware, Wyoming, and others.

It is about time we face honestly the fact without equity in the Congress, two Senators, two Congressmen who vote, and without a Governor and State legislature, who we have some control over, the citi-

zens of this city will never be satisfied, and the politicians who appear before you are not really serving the interests of the city.

I think it is about time we think in terms of Alaska and Hawaii, who I think were brought into statehood because it would strengthen them.

These citizens would develop a stronger Nation. God knows we are in trouble now, and we do not need citizens who are constantly denied the rights they should have.

I ask you to support statehood.

FEDERAL PAYMENT

The CHAIRMAN. Thank you, Mr. Cassell.

If it were demonstrated by competent legal authority, and there are some great lawyers in the area, if statehood were achieved, that the Federal payment would be dispensed with, would that in any way change your attitude with respect to the viability of statehood?

MR. CASSELL. Not at all, sir.

I am simply not willing to admit with the kind of income we have, with the growth of the annual gross product of the city, with the authority to bring into the city billions of dollars by doing something that has not been done yet, and which I contend will not be done, that is by redeveloping the devastated corridors.

Could you imagine the amount of money that would be generated if 7th Street, 8th Street, and 14th Street had been developed by now?

Can you imagine the amount of money that would be brought in if we used that Anacostia Basin for small business, commerce, rather than the highrise that will be built if they ever get to build anything?

The property along the Pennsylvania Railroad, there are thousands of opportunities, if the people have the authority.

The city is not destitute. We still have one of the most secure employment bases in the world. The Federal Government is still here.

Maryland certainly benefits from Federal employment, and so does Virginia.

Now, I just do not believe if we became a State, we would lose the Federal payment.

Right now we have to beg for it, and we take what Congress has to give us.

A Mayor that sits here with practically his head bowed, and so afraid, he does not represent himself, he does not represent the people.

He is constantly pleading, please give us something. As a State you have a Governor and a legislature, and they have a final say as to what happens with State funds, and they have the final say of how you develop the resources of that State, but in addition to that, when you have two Senators up there who vote, as you very well know, and the Congressmen, then question of Federal payment becomes different than it is now, because those men have an ability to influence, they have an ability to argue, and they have an ability to help other Senators on projects of their own, so I do not think we would lose the Federal payment.

There is an excellent argument for its retention. I mentioned 15 Government installations which would remain here, and if it is legitimate

to have a Federal payment now, because of those other downtown facilities, in true representation, of course, you will keep the Federal payment.

STATEHOOD

The CHAIRMAN. Senator Kennedy and I in March 1971 submitted an amendment to the 18-year-old Voting Act on the floor of the Senate to allow for the election of two Senators from the District of Columbia, and an appropriate number of Congressmen based on their population, and we were clobbered, 68 to 23. It was a resounding defeat.

Would you detect any greater likelihood the Congress would go for the full blown concept of statehood which would incorporate in that concept, of course, the two Senators and an appropriate number of Congressmen that was so resoundingly rejected?

Mr. CASSELL. I am less concerned about the opposition to something which is right, than I am of mounting the battle.

I remember that there was a time, when there was even stronger opposition to women voting, but women persisted, and eventually they got it.

The 18-year-old vote was not a popular thing when it started, and besides what you are talking about is a constitutional amendment, and that is a torturous route.

That can take up to 7 years. This is the trouble with the home rule thing. The home rule bill admits its weakness, because it leaves a non-voting delegate in the Congress.

That is demeaning, so its advocates come up with something that will compensate for that, and that is something similar to what you mentioned.

That in itself demonstrates the weakness. Statehood is the simplest thing in the world. I think it is simple because you only need a majority vote of one in the House, and the Senate, and that is a lot easier than two-thirds in the House and the Senate and three-quarters of the States.

The CHAIRMAN. What is your anticipation of getting a majority vote of one in the House District Committee on statehood?

Mr. CASSELL. Well. I do not know the feelings and the attitudes of the people in the House District Committee right now.

As I am doing here now before you, I have made my efforts.

I know there is some Congressmen making an effort. I think we need to follow those principles we espouse of something that is right, and you build your movement.

Martin Luther King started in Montgomery, Ala., as an unknown creature in hostile territory where all of the authorities were against him.

He had nothing but his convictions and his people, and it seems to me in a few short years he became a national figure, and he was able to get out of the U.S. Congress a civil rights bill.

He had no chance at all when he started, an insignificant little black Baptist preacher in the heart of hostile territory in Montgomery, Ala., but the issue was right.

I believe there is some good and right thinking people in the U.S. Congress. I am certain you are one.

You joined Senator Kennedy in an attempt to get representation in Washington, D.C., but it takes somebody to bring about the kind of inspiration on the basis of the rightness of the issue, aside from the politics, and if King could do that, if Frederick Douglass could do that, and I think this is the time we start to striking for greatness rather than talking about conforming to the problem in a system which I say we are in degradation.

What is happening down at the White House is an indication of that.

You cannot solve the problem of the Watergate, and what is happening to the national ethics, but I think you can start right here, based on the facts I have given you, based on Dellums' testimony, based on the development of the other 50 States, and based on the fact you have 800,000 citizens living in colonial status, and all of the other proposals are just half measures.

It seems somebody has to start somewhere, and I think this is a good place to start.

HOME RULE BILL NOT THE ANSWER

The CHAIRMAN. You referred just now to these other proposals as being half measures, and you also said this in your prepared statement. Do you see any plus in even taking a half measure, insofar as you would call it, in the terms of a home rule bill, or is that not a step in the right direction?

Mr. CASSELL. I think it is not a step in the right direction, because I think it is perhaps giving it too much credit by even calling it a half measure.

I think it purports to give the citizens full citizenship.

Full citizenship cannot be had if the Congress for whom they, the citizens, do not vote for, can do anything they wish.

I think I mentioned that there simply is not going to be any commuter tax when Virginia and Maryland do not want it, and we certainly need it, and there will not be any as long as powerful Congressmen can veto whatever effort is made by nonelected officials.

I would have to continue to oppose the home rule. In the home rule bill they even allow the Congress to appoint a U.S. attorney of all things.

What I am saying, I did not cite these criticisms of the Mayor capriciously. I cited those to show what happens when officials are not accountable to the people, and the Mayor allows \$480,000 to go free to developers, simply because those are the people that have influence.

Would not those same people have influence over him, if his final decisions could be vetoed by the Congress?

Who does he respond to? He certainly does not respond to me, and I imagine if he were responsible as the mayor of a city in a part of a State or as a Governor of a State, that he would be talking to Safeway, and say, look here, you cannot withdraw those services.

He would say, I do not care what the law says, but let us find a way.

I do believe that certainly retrocession is no answer. Maryland says they do not want it anyway, and I do not blame them.

I certainly do not think that home rule is any answer, because you have the same kind of docile respectful obedience of the Mayor who sits here and cannot even argue with them.

He has to agree with you, even if he disagrees, he has to apologize and couch it in some terms that says I know you control my destiny, and you never hear that Mayor even express concern for his citizens.

He never even talks about the citizens. He writes a letter to a constituent and says I am sorry, there is nothing we can do about rent control, when the Congress says you want rent control, and he says no.

It is not until the Congressmen say, look, we have all of these letters, we will give it to you, then he says all right, I will take it.

Those are the attitudes that are created when the people do not have the support of their constituents and the opportunity to make final decisions, and to have nobody veto it but the citizens at the next election, and I am afraid that is true of S. 1435 and all of the others.

The CHAIRMAN. Thank you, Mr. Cassell.

We appreciate your presentation.

Mr. CASSELL. Thank you.

The CHAIRMAN. The next witness is Mr. Walter F. McArdle, President of the Metropolitan Washington Board of Trade, and he is accompanied by Mr. Clarence Arata, Executive Director.

STATEMENT OF WALTER F. McARDLE, PRESIDENT, METROPOLITAN WASHINGTON BOARD OF TRADE; ACCOMPANIED BY CLARENCE ARATA, EXECUTIVE DIRECTOR

Mr. McARDLE. First let me say we urge as a first priority appropriate legislation be enacted which would provide that the District of Columbia have voting representation in the House and the Senate.

NELSEN COMMISSION REPORT

At the outset, we would like to suggest the report of the Commission on the reorganization of the government of the District of Columbia, otherwise known as the Nelsen Commission, be given full consideration and attention.

This Commission, which was basically an arm of Congress, since its membership included representatives of both Houses of Congress, the executive branch of the Government, and to complete its work, this Commission required a full year of investigative work, a competent staff of experts and expenditure of some \$750,000.

We think it was one of the most important contributions aimed at the District government in recent years, and that it should be kept in proper exposure, extensive implementation, and there should be a reasonable review in examination of major management alterations contained.

We seek full government for the District of Columbia, but we conclude that some of the Nelsen Commission's recommendations must be applied.

As many Members of Congress are aware, the Board of Trade is an areawide organization composed of some 4,000 business and professional leaders in this community representing over 1,300 firms.

We appreciate the opportunity you are giving us today to discuss with you our thinking on the matter of self-determination for the citizens of the District of Columbia.

As my predecessor president of the Board of Trade, Mr. John Stadtler, stated in his remarks before the House Committee on the District of Columbia last year, more has been said and written about self-determination or home rule than on any other subject affecting the District of Columbia.

Out of all this discussion there have been developed many opinions and theories on just what should be the best form of government for the District, varying from no change at all to statehood.

Further evidence of the conflicting opinions on this subject became clear in the last session of Congress when there were introduced at least 17 separate pieces of legislation attempting to find the answer to this perplexing problem. Already in this session there are at least seven bills dealing with the same matter.

The Board of Trade has concerned itself with this subject over many years. We are discussing a matter of great import to this great Federal city and the ultimate outcome will have a tremendous bearing on the future of this, the most important city in the world.

We hope that we can share with you the thinking of our membership and provide you with opinions of our leading members who have long made a study of this entire subject.

Let me say at the outset that we deeply appreciate the time and conscientious consideration which the Committee on the District of Columbia and its various subcommittees give to our local problems.

This committee gave active and effective support to the efforts of Citizens for the Presidential Vote for the District of Columbia.

Strongly supported by the Board of Trade, Congress took favorable action on the 23d amendment to the Constitution which, of course, was subsequently ratified by the necessary three-fourths of the States.

This was a milestone in District of Columbia history—giving our residents the right to cast their ballots for the President and Vice President of the United States.

STATEHOOD

While this action was a project long endorsed by the Board of Trade, we have also striven for a corollary and, hopefully, a companion measure—that of full voting representation in the House and Senate.

A step towards the realization of this goal was taken when District residents were permitted the opportunity to elect their own nonvoting delegate in the House of Representatives.

Having this delegate in the House, as a demonstration of representation effectiveness, is solid proof that complete effectiveness would be achieved by voting representation in both Chambers of Congress.

Therefore, gentlemen, we urge that as a first priority appropriate legislation be enacted which would provide the District of Columbia with voting representation in both the House and the Senate.

BOARD OF TRADE'S POSITION

I would like to reiterate here, in addition to this premise, that the Board of Trade's position is: (1) that we are in favor of local self-government; (2) that implicit in any form of self-government legis-

lation proposed should be the safeguard of an appropriate and adequate Federal payment formula; and (3) that a congressionally appointed Charter Commission be named as soon as possible to review and recommend the forms such self determination should take.

We feel that within these dimensions and with the comments we are making today, an effective form of government can be established for the District of Columbia.

We appreciate the efforts you and the cosponsors of S. 1435 have expended in preparing this bill.

However, rather than giving you a statement of the Board of Trade position on that specific legislation, we would like to present the Board of Trade's thinking on this entire matter of self-determination for the District.

You will see that we make no attempt to write legislation, but to answer some questions raised particularly by Chairman Brock Adams of the Subcommittee on Government Operations of the House District Committee.

Many members and committees of the Board of Trade have given this subject deep and serious thought. My statement today will reflect the current position of the Board on this subject, and we trust that our comments will be helpful and enlightening.

NELSEN COMMISSION REPORT

At the outset we would like to suggest that the report of the Commission on the Organization of the Government of the District of Columbia, otherwise known as the Nelsen Commission, be given full consideration and attention.

The Commission is basically an arm of Congress since its membership includes representatives of both Houses of Congress, the executive branch, and the public.

To complete its work, the Nelsen Commission required a full year of investigative work by Commission members, numerous witnesses, a competent staff of experts, and the expenditure of some \$750,000.

We accept the Nelsen Commission report as the soundest and most thoughtful analysis and development of recommendations aimed at improved efficiency, economy, and service to the District of Columbia government in recent years.

It should, therefore, be given proper exposure, extensive implementation, and there should be reasonable review and examination of major management alterations.

We seek full self-government for the District of Columbia, but we have concluded that some Nelsen Commission recommendations must be applied to establish controls and management functions which will enable self-government to operate effectively.

Under no circumstances does this imply unwarranted and unnecessary delay in providing self-determination. A major congressional and community effort can bring these objectives into being forthwith.

A series of questions has been raised dealing with substantive matters which should be answered prior to the drafting of any final legislation on self-determination. We should like to discuss these questions with you and give you our own answers as specifically as possible.

A basic question asks what legislative powers should be transferred from the Congress to the local government.

Our response is that all legislative powers of a local nature should be transferred to the local government after reviewing carefully the recommendations of the Nelsen Commission on this subject. They are worthy of our complete attention and consideration.

We acknowledge the authority given Congress by the Constitution to exercise exclusive legislative power over the District of Columbia.

However, we recognize at the same time that the District of Columbia is a mixed jurisdiction legislatively, being a combination State, county, and municipality.

Therefore, a city council or similar legislative body is the institution which should enact the District's laws and regulations, those not specifically reserved to the U.S. Congress.

ELECTIONS

In this context we recommend that there be an elected city council—or legislative body—of 13 in number, one representing each of the eight wards in the District and five members elected at-large.

We recommend that elections be held every fourth year on the day coinciding with the election of the President and Vice President of the United States.

These legislators should be elected by partisan ballot and their term of office should be for a period of 4 years.

The next question raised would then concern the chief executive of the city, how he is chosen and the extent of his powers.

We support the election of the chief executive of the District of Columbia on a partisan, citywide ballot and also a term of office for 4 years, with a maximum of two consecutive terms.

The chief executive's powers should be similar to those of a mayor, and he should have the authority to name a competent professional executive who could be designed either as the city manager or city executive or deputy mayor.

JUDICIARY

The next logical question, of course, would relate to the judiciary of the city.

We recommend that superior court judges be nominated by the mayor and confirmed by the City Council; that the judges who serve on the District of Columbia court of appeals be nominated by the President and confirmed by the Senate; and, of course, Federal court judges be nominated by the President as in all other jurisdictions of the United States.

We recommend further that the term of the District of Columbia court of appeals and superior court judges be for a period of 10 years.

BUDGET

Of paramount importance to the effective operation of this city is the question of the proper handling of its fiscal affairs.

The Board of Trade has always stood for complete financial stability in the operation of the District government.

The budgetary process of the District of Columbia should be simplified. The complexity of having the myriad budget programs examined at an agency or department level, by the mayor, by the city council, by the Office of Management and Budget, followed by a reexamination in many cases, is cumbersome indeed.

Then the budget is considered by both the House and Senate Subcommittees on Appropriations for the District of Columbia.

As a result of this outdated system, it is not possible for the parties involved always to obtain approval of a budget until the District is well into another fiscal year.

The Nelsen Commission recognizes this problem, and we endorse the following which appears on page 451 of the report:

The very size of the Federal payment plus the annual funding provided through Federal grants would seem to assure some form of continuing Federal involvement in District government affairs. Regardless of the extent of Federal involvement, however, the Commission believes the District government does not have that level of control over the management of its fiscal affairs where all congressional review could be eliminated and the District cast fiscally apart from the Federal Government. What is clear is that an increasingly active program of permitting greater freedom in making detailed budgetary decisions at the local level can be undertaken on a planned strengthened budget and fund controls within the District government and within the various District agencies. The Commission's budgetary recommendations support this positive course.

In summary, the Commission feels that a diminution of detailed Congressional "life-item" control over the District government's budget will occur, and, in fact, be accepted by the Congress following a period designed to establish an improved bridge of mutual confidence between the Congressional Committees and their staffs and the District government.

Since time for a study on all the District's budgetary processes was not available to us, we recommend consideration of the generalized statement as it appears above.

FEDERAL PAYMENT

A further corollary question in the fiscal area, of course, must relate to the Federal payment.

Again, the Nelsen Commission report states, "The fiscal relationship between the District of Columbia and the Federal Government has always been difficult to define, yet alone quantify." We concur with this statement.

The Board of Trade's position has always been that sufficient Federal payment to the District of Columbia is imperative to the success of self-determination, and without a proper formula provision, self-government will fail in this Nation's Capital.

An appropriate procedure would be to refer the amount of the Federal payment to the U.S. Office of Management and Budget with the following in mind. That it may be based on a percentage of congressionally approved financial requirements for the District for any fiscal year, after a determination that effective revenue producing efforts have been made to keep the District's income at a reasonable level.

We refer once again to the thoughtful comments of the Nelsen Commission report.

The Commission recommends that the Federal Payment should: be predictable; operate to encourage District efforts to raise more revenues; use the prior year authorization level as a base; operate to avoid wide fluctuations impacting

adversely on the District's ability to plan and finance operations; and, to the extent possible, reflect the unusual costs to the District of its role as the Nation's Capital.

The Commission recommends that once the District is granted the authority, subject to congressional veto, to set the rates for all existing taxes and charges, as recommended by the Commission, it should conform its overall revenue effort as closely as possible to that of comparable metropolitan centers, taking into consideration its relationship with its immediate environs.

The Commission recommends that the Congress continue to authorize the Federal payment at least 1 fiscal year in advance.

The Commission recommends that the Office of Management and Budget specifically recommend and justify the amount of the authorization and appropriation for each Federal payment. In determining such amount, the Office of Management and Budget should consider, among others, the factors bearing on the proposed payment level as discussed on page 510.

RECIPROCAL TAX

In our opinion, practically every local revenue source has been tapped to reach the District of Columbia's annual obligation with the exception of one—some form of reciprocal tax.

While this latter tax has been a matter of considerable congressional and local discussion, it is not as unique as some have suggested. As a matter of fact, it is a relatively common practice in various parts of the country.

ELECTORAL PROCESS

On the question of the electoral process, we recommend that all public officials within the executive branch should be appointed by the Mayor. The legislative and judiciary branches should be empowered to appoint their respective staffs.

Of course, the matter of elections raises questions concerning the applicability of the Hatch Act.

Without exhaustive study, we are not competent to comment on what changes should be made in the election laws to accomplish the various objectives suggested by these questions.

However, the peculiar nature of the District of Columbia jurisdiction—the fact that so many of the employees in the District work either for the Federal or District governments—will require adjustments in the Hatch Act to liberalize its provisions to enable more citizens of the District of Columbia to engage in a greater degree of political activity.

However, any District of Columbia or Federal employee, running for public office, shall resign his position unless serving at such time in an elective position.

FORM OF GOVERNMENT

We have indicated previously that we recommend a Mayor/Council form of government for the District. The mayor should have strong and complete authority in the executive field and the city council, or legislative body, should have comparably strong authority in the legislative field.

We further recommend that the legislative branch be unicameral.

We are aware of many questions being raised concerning the necessity of retaining the multitudinous agencies, departments, boards,

and so forth, within the present structure of the District government.

Our answer is that the Nelsen Commission has researched these situations quite thoroughly and we recommend strongly that full consideration be given to the recommendations of the Nelsen Report.

CONGRESSIONAL POWER

Finally, we again want to refer to the statement within the U.S. Constitution which grants Congress the power "to exercise exclusive legislation in all cases whatsoever over such District, not exceeding 10 miles square, as may, by the cession of the particular States and the acceptance of Congress become the Seat of Government of the United States."

It is within this overall grant of power by the Constitution to the Congress that the relationship between the Federal Government and the District government must be considered.

Any disputed areas as to what constitutes the "Federal interest" is identified as positive, limited only to that degree of autonomy which the Congress is willing to cede to the local government.

We repeat what we have said previously, the Board of Trade believes that the first meaningful step toward self-government must be to provide the District of Columbia with voting representation in both the House and the Senate.

With that as a condition precedent, we reiterate our positive positions as follows:

BOARD OF TRADE POSITIONS

- (1) That the Board of Trade is in favor of local self-government.
- (2) That implicit in any form of self-government is the safeguard of an appropriate, adequate and equitable Federal payment formula with full recognition of existing future obligations;
- (3) That the District government be permitted legislative authority in those areas ceded by the Congress;
- (4) That the District government be given such budgetary control as is necessary for efficient city management; and,
- (5) That a congressionally appointed Charter Commission be named promptly to review and recommend the best form of government possible for the District of Columbia.

In conclusion, we believe that if the recommendations made by the Metropolitan Washington Board of Trade are followed, the Federal and local interests will be reasonably clear and self-government will be successfully served.

Mr. Chairman and gentlemen, we appreciate the time and attention you have given us, and ask that the excerpt from the Nelsen Commission report we referred to earlier be placed in the record.

The CHAIRMAN. That will be placed in the record at this time.

[The excerpt follows:]

EXCERPT FROM REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA, VOLUME II, PAGES 510-511

Because of the vital role the Federal Payment plays in District financial operations and its effect on the economy and efficiency of those operations, the determination of the level of the Federal Payment has been a matter of primary concern to the Commission. The Commission has not been able to develop a precise

mathematical formula nor does it believe the subject is amenable to such precision. Nevertheless, a list of several identifiable elements of costs and benefits to the District of the Federal presence has been assembled which bears on the subject and should be considered, among others in future deliberations.

1. Revenues unobtainable because of the relative lack of taxable commercial and industrial property.

2. Revenues unobtainable because of the relative lack of taxable business income.

3. Potential revenues that would be realized if the following exemptions from District taxes were eliminated:

a. Non-resident income earned in the District

b. Other special exemptions from individual income taxes

c. Exemptions from sales taxes

4. Recurring and non-recurring costs of unreimbursed services to the Federal Government.

5. Other expenditure requirements placed on the District by the Federal Government which are unique to the District.

6. Benefits of Federal grants-in-aid relative to aid given other states and local governments.

7. Recurring and non-recurring costs of unreimbursed services rendered the District by the Federal Government.

8. Benefits derived through Treasury borrowing.

9. Higher than average sales tax revenue from tourist trade.

10. Benefits from museums, parks, libraries, and cultural activities which are financed by the Federal Government or are located in the District because it is the Nation's Capital.

11. Net costs, if any, after considering other compensation for tax base deficiencies and the direct and indirect taxes paid, of providing services to tax-exempt non-profit organizations and corporate offices doing business only with the Federal Government.

12. Benefits of a relatively stable economy.

Some of the above elements can be quantified; others are purely judgmental. The Commission believes that the Federal Payment will thus continue to represent a kind of equilibrium, balancing extraordinary net benefits of the Federal presence with extraordinary net costs, however these benefits and costs may be defined. Adjustments in the Payment should be considered when these extraordinary elements change significantly to the extent that the adjustments can be based on measurable changes.

A continuing analysis of the elements affecting the level of the Federal Payment is essential to recommending such adjustments on a fair and equitable basis. The Commission believes that such analysis should hereafter be conducted on a continuing basis under the supervision of the Federal Office of Management and Budget in conjunction with its annual review of the District Government's budget submission, and related inter-community revenue and expenditure comparisons developed by the District Government.

SUPPORT S. 1435

The CHAIRMAN. Thank you, Mr. McArdle.

As I read your five summary recommendations contained on page 12 of your prepared statement, they comport with the principal thrust of S. 1435, am I correct?

Mr. McARDLE. I think in general, yes.

The CHAIRMAN. Certain detailed suggestions that would vary from some of the contents of that bill are there though in terms of the size. Is that correct?

Mr. McARDLE. That is right, and that is not too material.

The CHAIRMAN. But the principal proposed avenue is S. 1435, and that seems to comport with the recommendations you are making in your prepared statement?

Mr. McARDLE. That is correct.

The CHAIRMAN. Thank you very much, Mr. McArdle.

Mr. McARDLE. Thank you.

The CHAIRMAN. Mr. George W. Brady, District of Columbia Federation of Citizens Associations.

Mr. Brady, we have your prepared statement, and if it is possible, we would be pleased if you could highlight it for us, your entire statement will then appear in the record.

STATEMENT OF GEORGE W. BRADY, PAST PRESIDENT, DISTRICT OF COLUMBIA FEDERATION OF CITIZENS ASSOCIATIONS

Mr. BRADY. Thank you, Mr. Chairman. I will be glad to go through it rapidly.

I am George W. Brady, today representing Dr. Ellis Haworth, president of the Federation of Citizens Associations of the District of Columbia.

I am a past president of the federation, from 1968 to 1970, and am currently a member of its executive board and chairman of its fiscal relations and taxation committee.

Our federation, which is in its 63d year of service to our city, currently has a membership of 25 neighborhood citizens associations, all within the boundaries of the District.

POSITIONS OF FEDERATION OF CITIZENS ASSOCIATIONS

The federation which I represent desires to support these proposals which will make Washington the model city for the Nation: Physically, economically, socially, and culturally.

Therefore, our viewpoint in commenting on S. 1435, the proposed District of Columbia Charter Act, is a pragmatic one.

Would the proposed change to an elected mayor and city council lead to a more efficient government?

Would it be more responsive or better able to resist special interests?

Would it be able to balance the sometimes conflicting desires of the Federal and local interests?

Would our taxes be lower and our schools better?

We believe the answer to these questions is no. We believe that an unfortunate illusion has been created and false hopes held out, especially to the disadvantage, that home rule will solve their problems.

We find a great deal in S. 1435 that will improve the District government and which we can fully support, and we would like to compliment the committee in proposing viable solutions to the complicated problems of the Federal and local interests, although as indicated above, we strongly oppose those portions of the bill that call for an elected mayor and council.

I would like now to present our views in a little more detail under the following three headings: Nelsen Commission recommendations, elected local government, and specific comments.

THE NELSEN COMMISSION AND DISTRICT OF COLUMBIA GOVERNMENT EFFICIENCY

The Congress in September 1970 established the Commission on the Organization of the Government of the District of Columbia, better

known as the Nelsen Commission, to make recommendations "to promote economy, efficiency, and improved service in the transaction of public business in the District."

The Commission's report, which became available late last year, contains many recommendations, some of which can be accomplished by administrative action by the Mayor-Commissioner and the City Council, but also a number of others which require legislative action by the Congress.

We would point out that whatever form of the government in the District, it is important that the departmental organization meet the criteria of "economy, efficiency, and improved service."

With the Nelsen Commission report at hand, the first priority to us would be to implement those of its recommendations that consideration by the Mayor and City Council shows will accomplish the stated objective.

We think it is unfortunate that in the year in which recommendations of the Nelsen Commission are available, the home rule issue is being given higher priority.

We strongly recommend that the energies of all concerned with the well being of our city be devoted to studying and acting on the Commission's recommendations.

ELECTED LOCAL GOVERNMENT

Many of our federation delegates who have lived in the District for many years have said that they were well satisfied with the three commissioner form of government and saw no advantage in the mayor-commissioner and city council form of government instituted in the Johnson administration.

I have just gone through the Nelsen Commission Report, and there are approximately 45 of the recommendations that call for congressional action, and it seems to me those should be given high priority during this session of Congress.

We regard Mayor Washington as an able and conscientious executive and believe that the City Council has worked diligently, but we are very displeased at some of the things that have happened since this form of government was established.

The runaway budget situation shows no sign of leveling off even though the city's population is static. We have recommended to the Mayor and City Council that a budget ceiling be established for the District similar to that imposed by the President on the Federal budget.

To emphasize this point the District budget for fiscal year 1974 is 14 percent higher than asked for in fiscal year 1973. Should not a little price control be imposed on the District budget?

The response of the District Building to our recommendations has been minimal, and we must now look to the Senate and House Appropriations Subcommittees for relief from this larger budget and increased taxes through excessive assessments.

Now, with regard to the basic question of an elected local government for the District:

(1) First there is the constitutional question as to the authority of the Congress to delegate its responsibility to "exercise exclusive legis-

lation in all cases whatsoever over the seat of Government of the United States."

We believe that if the Congress decides that it no longer desires to be concerned with governing the Nation's Capital, the issue should be presented to all the people of the United States by the constitutional amendment route.

(2) Our second point is that because the District is the headquarters of our national Government—administrative, legislative, and judicial—Congress should not completely divest itself of all authority and responsibility.

A simple hypothetical example is the height of buildings in the Federal area. Suppose an elected local government, in a desperate quest for greater tax revenues, should decide to permit 100-story office buildings on Pennsylvania Avenue or along K Street.

This would violate the historical concept of Washington as a horizontal city, but if Congress had already delegated away its authority on zoning it could do nothing about it.

Hence it is obvious that Congress must retain many of its prerogatives to protect the interests of the Federal Government.

(3) Our third point relates to the most recent experience with elected officials in the District, the school board.

First, School Superintendent, Dr. Hansen, was forced to resign, and since then we have had one acting and two supposedly permanent superintendents, and are now looking for another.

Under the elected school board, the condition in the public schools have continued to worsen, including the morale of the staff, vandalism, acts of violence toward pupils and staff, thefts of money and property, extortion of money from pupils by other pupils, and a lowering of educational achievement levels attained by the pupils.

Many teachers exhibit a lack of professional concern, involving poor or no lesson preparations, poor record keeping and failure to meet classes.

The contract between the Washington Teachers' Union and the Board of Education has resulted in the almost complete inability of principals to act as educational leaders in their schools.

Hence we regard this experience as a poor omen for an elected local government.

(4) Our next point is in Washington we have five major universities, most of whose students come from out of town, except for Federal City College and Washington Technical Institute who have primarily local student bodies, and because under recent changes in voter qualifications all these students, regardless of their true residence, can vote in local elections, it is quite possible or even likely that the results of an election could be distorted by temporary student voters. This has already happened in other localities.

(5) Our final two points on the elected local government issue pertain to alleged benefits.

First it is alleged that an elected mayor-council government would be more responsive. This we doubt.

Our present appointive Mayor-Commissioner and City Council we believe are trying to be responsive through public hearings although, as we have said earlier, our recent experience on our budget and assessment recommendations make us wonder whether they are really listening.

Our last comment relates to another alleged benefit, which is best described by the bumper stickers, "Last Colony".

Without going into the constitutional question again, I submit that this is an emotionally effective but practically spurious argument.

No one is forced to live in Washington. We believe that the convenience and quality of living in the District is enough superior that most of us who live here are willing to accept the fact that we are locally disenfranchised.

We would now like to offer a number of specific comments relating to the governance of the District of Columbia.

FEDERAL INTEREST

Fundamentally, the Federal interest is to make sure that the District of Columbia provides (a) suitable environment for the conduct of all business of government, both domestic and foreign, (b) a physical appearance in keeping with its role as the Nation's Capital, and (c) proper facilities and a congenial and safe atmosphere for its many residents and visitors.

GOVERNMENTAL FORM

Our first choice would be a return to the former three commissioner form of government, including the engineer commissioner.

Our second choice is the present appointive mayor-council with a reasonable balance between the authority of each.

Consideration should be given to making membership on the city council a full-time job. The mayor as the District's chief executive responsible for the policy aspects of the city administration, should be backed up by a professional city manager who handles the day to day business of running the city. I believe in S. 1435 that this is provided.

FISCAL POWERS OF LOCAL GOVERNMENT

The present District government already has substantial fiscal powers, but we believe that some further transfer, such as reprogramming authority, is desirable as set out in section VI of the Nelsen Commission Report.

However, we believe that Congress must continue to be responsible for setting the overall budget ceiling for the District, and for approving the District's long term debt.

Congress should also act to simplify the District of Columbia budget cycle as recommended in Nelsen Commission VI-16, which has to do with trying to combine the function of the authorization and the appropriation process between the House and Senate, so instead of having to appear before four committees, it could be done in some more efficient way.

FEDERAL PAYMENT

The Federation has recommended in its council and subcommittee testimony over the last several years that the Federal payment be on a formula basis of 50 percent of the taxes raised locally.

However, after reading the Nelsen Commission Report, we now believe that some flexibility in setting the Federal payment is necessary in order to take care of possible emergency or special occasion needs

on the one hand, and to prevent the District from taking advantage of a formula to arbitrarily increase its taxes and hence Federal payment on the other.

For sound fiscal planning we support Nelsen Commission recommendation VI-45 that "Congress continue to authorize the Federal payment at least 1 fiscal year in advance."

ADDITIONAL LOCAL REVENUE SOURCES

The federation has supported the concept of a reciprocal commuter tax as an equitable means of sharing the cost of running the District with those whose income is derived from District employment. We believe that prohibition of such a tax by S. 1435 is unwise, and we noted several witnesses earlier today had commented on the same point.

TRANSFER OF LEGISLATIVE POWER

We believe that all purely municipal functions should be delegated to the District government, subject to congressional review of those that concern the Federal interest.

Congress should retain some type of review and veto power over City Council actions to comply with the Constitution.

The provisions of S. 1435 appear to accomplish this, but the 30-day time period is too short for careful consideration.

Also, it is not clear whether Congress will maintain the present District of Columbia committees which seem to us necessary to provide a focus and point of contact for consideration of those District matters which bear on the Federal interest.

ELECTIVE VERSUS APPOINTIVE

As previously stated we favor the appointment by the President of the chief executive, City Council, and District of Columbia judges. The chief executive should appoint the city manager, department heads, et cetera.

GOVERNMENT ORGANIZATION

One detailed item we wanted to bring to your attention has to do with the planning function in the city. We support the Nelsen Commission's recommendations that the Redevelopment Land Agency and National Capital Housing Authority should be a part of the District government.

However, we do not agree with that part of the Commission's report which proposes that the portion of the National Capital Planning Commission's responsibility which pertains to local planning be transferred to the District government in a new office to be titled Municipal Planning Office.

It is essential, not only for efficiency, but also because Federal and local interests overlap in so many places, that overall city planning authority and responsibility be kept in one place. We are pleased to note that S. 1435 continues primary responsibility for District planning with the National Capital Planning Commission.

I would like to interpose here before deciding on this, we consulted with Mr. Bartholemew from St. Louis, who is one of the outstanding pioneer city planners of the Nation, and he recommended the planning

function could not work unless it is concentrated in one place. Therefore we feel the National Capital Planning Commission should be that place, and I believe if I read your bill correctly, this does continue the National Capital Planning Commission as the primary agency.

The CHAIRMAN. Correct.

Mr. BRADY. In summary, we believe that Congress should give priority attention to the implementation of the Nelsen Commission Report.

We believe that the present District government should be given the opportunity to improve itself based on the Nelsen Commission recommendations.

OPPOSE ELECTED LOCAL GOVERNMENT

And we oppose an elected local government for the District of Columbia.

There are so many of those who try to bring into an elected government at this time that would postpone the benefits that our city would have, in going ahead with the present form, and to implement the Nelsen Commission's recommendations, and, finally, we oppose an elected local government for the District of Columbia.

Thank you, Mr. Chairman.

POSITION ON ELECTED GOVERNMENT

The CHAIRMAN. Thank you, Mr. Brady.

Many of the comments you make in your statement with respect to increases in the budget and the difficulties of administering school systems, the school systems, the school system itself, could well be applied to perhaps 15 or 20 of the major metropolitan areas of this country.

They all face budgetary and educational problems, and so forth.

Do you think elected local government has by and large been a failure in this country?

Mr. BRADY. No.

The CHAIRMAN. Well, I will phrase it another way.

Do you think elected government by and large on the local level has been a success in this country?

Mr. BRADY. I cannot say it has not been, but it certainly creates problems. I think the question would be whether we are inviting additional problems in this city by bringing in an elected local government which we do not have now, which is functioning reasonably well, where we see no increase in efficiency, from our standpoint of citizens, improvement in services, or reduction in our taxes.

TAXES

Our taxes are very burdensome today. I have lived in the city 15 years, and our taxes have increased almost threefold in that period of time.

We are not too happy about that, either appointive or elected, but I think it is quite possible an elective government would be less efficient than our present appointive government.

The CHAIRMAN. I live in Montgomery County, I have lived there a little over 4 years, and my real property taxes have gone up considerably in that period of time. That is an elected form of government, but

I take it it is not the position of the District of Columbia Federation of Citizens Association to per se oppose elected local government as a concept?

Mr. BRADY. I believe that is correct.

The CHAIRMAN. Thank you, Mr. Brady.

Mr. BRADY. Thank you, Mr. Chairman.

[Subsequent to the hearing Mr. Brady submitted the following material:]

GEORGE W. BRADY
3023 44TH STREET, N. W.
WASHINGTON, D. C. 20016

APR 30 1 14 PM '73

UNITED STATES
SENATOR

April 25, 1973

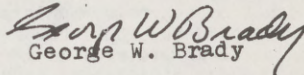
Dear Senator Eagleton:

During my testimony before your D. C. Committee today I mentioned that I had consulted Harland Bartholomew on that portion of the Nelson Commission report that concerns planning. I am enclosing copy of Bartholomew's letter which gives his recommendations on organization for municipal planning. It is based on this reasoning that the Federation that I represented favors keeping responsibility and authority in one agency and not dividing it between two groups.

We have followed the work of the NCPC for several years and believe that is not exercising its authority as well as it should. Whether this is the fault of the staff or the Board I am not prepared to say but it could use more aggressive leadership.

I hope that our testimony emphasizing the importance of implementing the Nelsen Commission recommendations will be carefully considered by your Committee, regardless of its action on your self government bill.

Sincerely


George W. Brady

Hon. Thomas F. Eagleton
United States Senate
Washington, D. C.

Harland Bartholomew
19 Wydown Terr., St. Louis, Missouri 63105

November 19, 1972

Dear George:

Thank you for your letter of Nov. 15, and for the copy of the Report of the Commission on the Organization of the District of Columbia.

I have examined this Report. It is my opinion that it does not provide for the adoption of an Official Comprehensive Plan, and for appropriate procedure and enforcement.

In 1925 an extremely capable and representative Committee appointed by the Secretary of Commerce (Herbert Hoover) prepared a "Standard City Planning Enabling Act," which was published by the Department of Commerce for the purpose of helping cities to follow a sound procedure in preparing, adopting and implementing an Official City Plan. This publication is extremely valuable because of its many annotations explaining the whys and wherefores of important provisions of this Standard Act. You could probably obtain a copy from the Public Library. It has long been out of publication and copies can no longer be found.

Several years later the Model Municipal Charter was rewritten and the provisions of the Standard Act were incorporated.

There is no other adequate standard or model to my knowledge at this time.

The proposal of the Commission on Organization is inadequate in several ways:

1. It fails to provide for adoption of an Official Plan, with specific provisions for procedure.
2. It provides for a Municipal Planning Office under the Mayor to which "comprehensive municipal planning now vested in the NCPC" would be transferred. Who would adopt, maintain and implement an Official City Plan? To assume that this could be done by one official as head of a Municipal Planning Office is totally erroneous and unrealistic.
3. Either there is an official City Plan which is respected and followed, or growth is not directed. Only a City Plan Commission composed of truly well qualified citizens and public officials responsible for municipal functions affected by the Plan will have proper public respect and acceptance. The powers and duties of the NCPC should be more fully defined and strengthened as provided in the Standard City Planning Enabling Act, not weakened, or placed in the hands of any individual.
4. Zoning is an integral part of an Official City Plan. There should be no Zoning Commission. This is a throwback to the days when cities were hastening to adopt zoning ordinances before there were any official City Plans. Cincinnati has an official City Plan of which zoning is a part and all zoning matters are handled in the same manner as other parts of the city's plan.

5. "The Municipal Planning Office would relate the social and economic needs of the city to physical planning--." This could be done far better by a City Plan Commission, and more particularly if there were a well qualified sociologist and an economist as a member of the Plan Commission. To say that social and economic needs have been ignored by city plan commissions is modern propaganda by a few misguided enthusiasts. Every public work has some social or economic significance, or both. A well developed park will enhance land values in its vicinity and will have social value to people who use it.
6. "In general, responsibility for planning for the District of Columbia and District property and facilities outside its borders would rest with the Municipal Planning Office." This sentence emphasizes the misconception of the proposal of the Commission on Organization (or whoever is responsible for this whole proposal). The term "planning" as used in this sentence quoted above, and elsewhere in the Report, means exercise of authority by some individual without any reference whatsoever to an Official City Plan. It could be an invitation to skullduggery.
7. The development and growth of a city should be a consistent long range undertaking, not subject to change with each turnover of public officials at elections every few years. Only by a Commission with members whose terms overlap, will there be a steady, firm adherence to a plan. As time goes by some changes will be necessary, but frequent change and turnover by changing administrators soon produces a haphazard procedure.
8. The idea of a "Municipal Planning Office" and abolishment of a City Plan Commission is a hobby of certain City Managers who want personal control unhampered by any Plan Commission.

Hastily and sincerely,

Harland.

The CHAIRMAN. I am told that Mrs. Len would like to make a statement.

Mrs. Len, could we have your full name and address for the record.

STATEMENT OF MRS. L. LEN, A CITIZEN OF THE DISTRICT OF COLUMBIA

Mrs. LEN. Mr. Chairman, members of the committee, my name is Mrs. L. Len, mailing address, P.O. Box 879, D.C. 20044.

It is time for a change. To everything there is a season and time to every purpose, a time to get, and a time to cast away, a time to break down, and a time to build up, a time to build up is what some of us are hoping is in the works.

May I ask how many members are on your committee, please?

The CHAIRMAN. Seven.

Mrs. LEN. Is the gentleman to your right an aide to you, or is he one of the members of the committee?

The CHAIRMAN. He is the staff director of the committee.

Mrs. LEN. In other words you are the only member here?

The CHAIRMAN. That is correct.

Mrs. LEN. Congratulations. It is rather disheartening to have a hearing during a recess, when so many of the members cannot be present, and when one person has to bear the burden and responsibility of hearing these important witnesses.

Each Member of Congress takes an oath to uphold the Constitution.

Taxation without representation is certainly one of your responsibilities, therefore, the District of Columbia residents not having two Senators and Representatives in proper apportionment, becomes your responsibility to in some way see that this taxation without representation is no longer being experienced by us.

There is an untaxed source of revenue in the District government, which if you would kindly give a name of a person on your committee, or in your office, I would like to get an appointment in the near future, and explain this untaxed source of revenue.

The CHAIRMAN. I suggest you contact the same Mr. Robert Harris.

Mrs. LEN. May I have his telephone number?

The CHAIRMAN. 225-8785.

Mrs. LEN. Thank you.

Your bill, S. 1435, I would like to endorse your thinking on the National Capital Planning Commission.

It was my extreme privilege to represent a local citizens' association which sends elected delegates to our District of Columbia Federation of Citizens, to represent them at a specially called hearing of the National Capital Planning Commission several years ago.

It was at a time when the life of that Commission was at stake in the image or eyes of the President and the White House in general.

There were very few people present, because it was not published.

It was a specially called meeting, and we feel that session really helped to turn the tide at the White House to discourage any further thinking for eliminating National Capital Planning Commission.

You will have to excuse me if I pause for a few seconds, because I have made up my notes as I have been sitting here listening.

In as little experience I have had in appearing before such bodies, it really began about 25 years ago in Louisiana, where we were trying to replace the Long regime of a sheriff for a new era, and I have learned that by preparing a statement, unless it is statistics which are needed, it is much better to sit and listen to people who are making statements, or giving testimony, and from them many times one can gain important information to incorporate in their statement which sometimes one would like to endorse, or comment on unfavorably.

The Nelsen Commission has cooperated extremely gratefully with the District of Columbia Federation of Civic Associations and Citizens Associations and League of Women Voters in putting on an all-day workshop on Saturday March 17.

We were divided up into seven different subjects, according to the following plan of the Nelsen Commission itself.

The final workshop would be this Saturday, and I would strongly urge you and invite you to please, if you cannot attend yourself part of it, to please have someone from your office attend that session.

Last night for 4 hours a very small segment of the District of Columbia Federation of Citizens Association met to prepare for this, and they have been preparing on the telephone and in smaller groups ever since March 17.

It began at 9 o'clock for registration, 9:30 when the Commissioner of the District of Columbia will give an opening statement, and then at 10 a.m. we go into our various workshops.

At noon there will be a free box lunch, this is financed, these two workshops by the Eugene Meyer Foundation for which we are very grateful.

At 3 o'clock we come back to a plenary session when the final recommendations will be made public for any changes to the Nelsen report itself.

I would like to bring home to you folks a couple of very grassroots incidents in reference to the operation of a District government.

The Nelsen Commission recommends, just to cite a couple of kindergarten examples, that the police department in all places possible replace uniformed officers with civilians.

They were able to find 168 positions where that could be accomplished, however, when this was taken up or brought to the Hill, as they use the term for up here, they were turned down.

Now, I do not know who they saw or to what committee, but this was the statement made by Chief Wilson's representative to the Nelsen Commission.

At this Saturday session, we hope to find out where the turndown took place.

I had the pleasure during World War II in working as a civilian with uniformed ladies, and ironically, I think the jealousy on the part of the uniformed ladies, they thought perhaps the uniformed men were looking at the ladies in civilian clothes, but that seems to be one of the questions as to putting civilians in an office with the police.

If you have three men, manning a station office, and one of them is doing PEX work—

The CHAIRMAN. Madam, I am familiar with the proposal.

Mrs. LEN. Then I will skip that.

The CHAIRMAN. The instant subject for consideration is S. 1435.

Do you support it?

Let us get to the point.

Do you support or oppose the concept of home rule, and if so, why?

Mrs. LEN. I cannot give you that statement per se, yes or no.

There is nothing perfect in this world, and I in concept—let me put it this way, the District of Columbia government is not ready for home rule.

The citizens are not ready for home rule, but I strongly urge that both Houses give us two Senators and Representatives as soon as possible, and then that plus the Nelsen Commission's recommendations of which 200 have already been implemented, and there are around 360 involved.

I do not mean all of the rest of them are necessarily eligible, but if the combination of those two come to us, and then in a matter of 3 or 4 years, we have proven that we have coordinated all of the departments of the District government, then perhaps home rule we would be ready for, but it is chaos enough now in trying to get coordination in the District government.

The Nelsen Commission has recommended a planning office. We do not have a planning office in which zoning, which includes highways and traffic, and the various departments sit a person on a board, if that board were organized so that every department in the District government sends a representative to that board, he meets once a week, and there are two chairs provided for the District of Columbia Federation of Civic and Citizens Associations, then John Q. Public will be represented at his government's level.

The Constitution of the United States states this is a Federal city, and Mr. Nelsen, when he gave the opening address at this workshop, five different times he made the statement, the two words, Federal city.

He got through to me right away, to a few others after he made the remark several times.

He said this is my Federal city, this is your Federal city, this is our Federal city.

There is nothing wrong with the Constitution of the United States, there is nothing wrong with maintaining a Federal city, but we must have representation in full.

Instead of giving us a Delegate, they should have fought for two Senators and Representatives proportionately, and then we would be much further ahead.

The Delegate is just a step, but it has given a very important image to the Congress as to what really the citizens are.

Color does not enter into the picture. It is taxation without representation.

I would like to close with this, I had the pleasure of hearing Norman Vincent Peale in December in his church, and he said let us eliminate the negative, if only we had done this.

If only we had done that. Let us concentrate all of our energy on the positive, and say the next time we will do this, the next time we will do that.

This is a next time for you folks, to see that we get two Senators and Representatives.

Plato, all of those years and years ago said the punishment of wise men who refuse to take part in the affairs of government is to live under the government of unwise men.

May I ask one question, that in the future, if you have any boards or committees or commissions, that you organize or set up, please, or to study public laws or legislation, please invite the two District of Columbia Federations to be represented.

Thank you.

The CHAIRMAN. Thank you very much, Mrs. Len.

That then will conclude the testimony on S. 1435.

Thank you each and every witness who has participated today in a most useful hearing.

The hearing is recessed.

[Whereupon, at 11:25 a.m., the hearing was recessed.]

[The following material was submitted for inclusion in the record.]

American Federation of Government Employees

AFFILIATED WITH THE AFL-CIO

CLYDE M. WEBBER
NATIONAL PRESIDENT

DENNIS GARRISON
EXECUTIVE VICE PRESIDENT

DOUGLAS H. KERSHAW
NATIONAL SEC. TREAS.



NATIONAL HEADQUARTERS
1325 MASSACHUSETTS AVE., N.W.
WASHINGTON, D. C. 20005
(202) 737-8700

STATEMENT OF CLYDE M. WEBBER, NATIONAL PRESIDENT AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES BEFORE THE SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA ON HOME RULE FOR THE DISTRICT OF COLUMBIA

April 18, 1973

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 District 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 sovereignties 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 various 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 accomodating 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 complex 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.

Citizens Council for a Clean Potomac

T. RAY JONES
(301) 649-2439

APR 13 9 51 '73
UNITED ST.
SENATO.

P. O. BOX 1972 - WHEATON STATION
SILVER SPRING, MARYLAND 20902

April 16, 1973

Hon. Thomas F. Eagleton
Chairman
Committee on the District of Columbia
6222 New Senate Office Building
Washington, D.C. 20510

Dear Senator Eagleton:

The Potomac River in the Washington metropolitan region and downstream is in critical need of expanded and upgraded sewage treatment facilities.

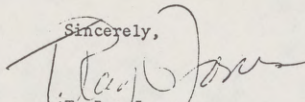
The project to expand and upgrade the Blue Plains waste water treatment plant in the District of Columbia has been hampered for more than a year by the failure of the Federal Government to come up with its share of funds for the regional project. The local jurisdictions, including Maryland and Virginia, have been making their payments to the regional project on time.

Unlike the states, the District of Columbia has absolutely no recourse to the public or its financial institutions to obtain the necessary funds for the project. The Federal share of Blue Plains which will not be forthcoming in time to have the plant completed on schedule and before the Nation's Bicentennial now amounts to \$48 million in fiscal years 1973 and 1974.

If the District had bonding authority, it could obtain financial support for capital projects from elsewhere than the Federal Government.

The Citizens Council for a Clean Potomac hereby supports bonding authority for the District of Columbia in relation to environmental projects. We urge this be seriously considered a part of any home-rule legislation. Failing home-rule, however, the Citizens Council still believes bonding authority is a necessary power of the government of the District of Columbia and deserves individual attention.

Sincerely,


T. Ray Jones
Chairman

cc: Louis Guy, Chairman
Legislative Committee

STATEMENT OF JOHN W. HECHINGER, DEMOCRATIC NATIONAL COMMITTEEMAN FOR THE DISTRICT OF COLUMBIA AND FORMER CHAIRMAN OF THE CITY COUNCIL, CONCERNING SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA, FOR THE SENATE DISTRICT COMMITTEE, APRIL 25, 1973.

As one who has served as the Chairman of the City Council and has long worked for self-government for the District of Columbia, I believe I can speak with some special insight into the matter of home rule. When I was appointed as Chairman, President Johnson instructed all of my fellow Councilmen to act as if they were elected, and this we tried mightily to do - but there is no such thing as "ersatz" elected officials. Authority without the accountability to one's constituency is not the American democratic way. The plain fact of the matter is that 800,000 Americans - more people than in 10 states of the Union - are second-class citizens. HOW can the Congress continue this injustice - the absurdity that the capital of the leading nation of the free world is itself not free!

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

With respect to the general questions of the form of government, its powers, and the way in which elections are to be carried out, I endorse wholeheartedly the testimony of Self-Determination for D. C. before the Government Operations Sub-Committee of the House District Committee, April 4, 1973. I participated in the Committee discussions and was greatly impressed with the thorough manner in which issues and alternative proposals were researched. The proposals for an elected Mayor-Assembly government, for full legislative and fiscal authority, and for the automatic federal payment mechanism I believe truly represent the consensus among those who are most knowledgeable about

the District government and who have worked diligently for home rule.

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

First, the fact of the matter is that a city as complex as Washington needs strong executive leadership balanced by a representative legislative body, both of which are in close contact with the government and the people of the city. The District of Columbia has made great strides in management improvement under the leadership of Walter Washington since 1967. There is much to be done, as the landmark Nelsen Commission Report indicates. I agree with the thrust of the Nelsen Commission and applaud the devoted effort that Congressman Ancher Nelsen has given to our people over many, many years, culminating in the Nelsen Commission Report, which will set guidelines for improving the efficiency of our municipality. Who would consider going back to the Board of Commissioners? - an antiquated system of divided authority. But the gains have been made under great handicaps. Responsibility for local functions is still fragmented into a plethora of commissions not under the Mayor's authority and several committees of both houses of Congress. I am sure each of you have had the experience of trying to track the responsibility for a particular policy in the District of Columbia, only to find a maize of overlapping jurisdictions. I know I have, as the Chairman of

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

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

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

In its early days, the present D. C. City Council tried to assign its Councilmen to the eight wards although serving at-large, to give more visible representation to the various sections of the city. Electing the major portion of the Assembly from wards is of course the way to

do it. The small size, and the presence of the five at-large representatives from whose ranks the Chairman will be selected, will assure that matters affecting the whole city will be properly considered.

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

Finally, the experience of the present Mayor-Council form of government gives solid support for the idea that local government with self-determination will be both responsible and responsive. On the executive side, the Mayor of the District of Columbia has used his limited reorganization powers wisely. There is no doubt that the District of Columbia government can administer effective public safety, welfare, sanitation, and other services. There is demonstrated capacity to operate the government on sound budgeting procedures. By its procedures and its actions the existing City Council has laid the groundwork for an effective Assembly when its members are elected and its powers expanded. Through extensive public hearings and public deliberations on the budget, the City Council has established the principle of responsible consideration of tax and expenditure policy. The Council has consistently followed the principle of not opposing expenditure items unless offsetting revenue sources can be identified. During my tenure as Chair-

man, the Council approved recommendations for increases in a variety of taxes - income, sales, property, auto licenses, etc.

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

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

Potomac Plaza Apts.
2475 Virginia Avenue NW.
Washington, D.C. 20037
April 20, 1973

APR 24 10 54 AM '73
UNITED STATES
SENATE

Hon. Thomas F. Eagleton
Chairman, District of Columbia Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is to complain as strongly as possible about government in the District of Columbia and to suggest greater effort on the part of the Committees of Congress in overseeing D.C. budgets and activities.

I do not consider the mountain of rhetoric by local politicians justification for even a first step toward "Home Rule." Year in and year out the newspapers tell us of mismanagement in the educational system, the prisons, Junior Village, nursing homes, lack of sanitary conditions in restaurants, lack of progress in the rat extermination program, the crime rate, etc., etc. Steps are also needed on other fronts, such as reduction of traffic in the central part of the city to fight air pollution, and other pollution and litter. The Mayor, the City Council, and other officials do not show the initiative or management ability required.

At the same time the District Government has increased the sales tax, real estate taxes plus property valuations year after year (accounting for rent increases), plus a "Local surcharge" beginning late last year on our telephone bills.

This latter tax may be small, but I am objecting to it. I am also objecting to a question on the Federal income tax forms, filed recently, concerning revenue-sharing for Washington, D.C. One payment from the Federal Government is all that is justified, and that should be kept within reason.

While I would like to see the City of Washington separated from the Federal District because of the foregoing, I don't feel that the City has earned any sort of independence. What is needed at this point is stronger management by the Federal Government.

Sincerely,

Kay Lemberger
Kay Lemberger

"HOME RULE" FOR THE DISTRICT OF COLUMBIA - No!

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 cities 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 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. Courts 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 originally the man in this position was the workhorse of the administrative machinery.

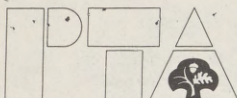
Meanwhile, our taxes go up, and up, and UP! Under "home rule," without braking from the Congress, there would be no limit. NO ONE WHO WANTS A LOCALLY ELECTED GOVERNMENT IS REQUIRED TO LIVE INSIDE DISTRICT OF COLUMBIA BOUNDARIES.

Mabel E. Morris
Mrs. Edward B. Morris

3760 Benton Street N.W.

Washington, D.C. 20007

Mabel E. Morris



NATIONAL CONGRESS OF PARENTS AND TEACHERS

National Office

700 North Rush Street
Chicago, Illinois 60611
(312) 787-0977

APR 20 10 10 AM '73
UNITE STATES
SENATOR

April 20, 1973

The Honorable Thomas F. Eagleton, Chairman
District of Columbia Committee
U.S. Senate
4102 New Senate Office Building
Washington, D. C. 20510

My dear Senator Eagleton:

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,

Carol Kimmel

Mrs. Walter G. Kimmel
Coordinator of Legislative Activity
National PTA

CKK:cku

Home address:

1715 Twenty-fifth Street
Rock Island, Illinois 61201

"The District of Columbia and S. 1435: Home Rule for the
 Last Colony" A Research Report Prepared for the
 United States Senate Committee on the District of
 Columbia on S. 1435: District of Columbia Home Rule Act
 BY FRANK RODIO, JR. By Frank Rodio, Jr.

-- PAGE 1 --

"THE DISTRICT OF COLUMBIA AND S. 1435: HOME RULE FOR THE LAST COLONY"
 Mr. Chairman and distinguished members of the United
 States Senate Committee on the District of Columbia:

"The Congress shall have Power to exercise exclusive
 Regulation 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 the Government of the United
 States; and to exercise like Authority over all Places
 purchased by the consent of the Legislature in
 which the same shall be, for the Erection of Forts,
 magazines, arsenals, dock-yards, and other
 needful Buildings; - and

to make all Laws which shall be necessary and
 proper for carrying into Execution the foregoing
 Powers, and all other Powers vested by this
 Constitution in the Government of the United
 States, or in any department or officer thereof."
 -- United States Constitution.

The first clause quoted above contains the "expressed
 powers" granted Congress over the District of Columbia.
 The second is what has become known in legal
 circles as the United States Constitution's "elastic
 clause" granting Congress "implied powers" to pass
 further legislation over the District of Columbia
 other than the "expressed powers" earlier enumerated.
 I should like to ask the following questions.
 Why should Congress be concerned with parking
 tickets and effluent collection in the District of
 Columbia? Why should Congress be concerned
 with District of Columbia zoning ordinances?
 Why should the District of Columbia mayor-
 commissioner and 9 member council be appointed
 by the President of the United States?

The United States Constitution's "elastic clause" granting Congress "implied powers" in addition to its "expressed powers" over the District of Columbia was responsible for the April 3, 1961 Twenty-third amendment granting the District of Columbia 3 presidential electors; in 1968 the District of Columbia was allowed to elect its own school board and on April 19, 1971 Dr. Walter E. Fauntroy was sworn in as the first non-voting District of Columbia delegate to Congress in nearly a century.

The United States Congress is not the government for any other municipality in the United States. Why should the District of Columbia be an exception? The 756,570 residents of the District of Columbia deserve full citizenship. Their future should not be determined by 535 United States Senators and Representatives. The President of the United States should not be required to submit an annual District of Columbia budget to Congress.

The District of Columbia became "the last colony" after a limited period of home rule in 1978. No other major world capital, whether it be London, Moscow, Paris, Peking and Tokyo, lives under the handicaps that Washington does. London recently held council and borough elections. Tokyo is a prefecture ruled by a governor and legislature. Even Moscow and Peking have "self-government." The District of Columbia's experience as "the last colony" has not been a particularly rewarding one.

--PAGE 2--

should like to provide an economic, political and statistical breakdown and survey. Metropolitan Washington's population is 2,861,123 with 1975 projections being 3,034,000. Washington's population density is 12,065.5 per square mile. The personal income (mean) is \$10,500 per household. The average annual family (of four) budget total is \$11,047, with food \$2,148.91, shelter - \$2,547, clothing - \$1,120 and transportation - \$955. City finances (including federal payments and grants) amounted to \$756,200,000. Expenditures (with total obligations) amounted to \$714,400,000.

The assessed valuation (including land and improvement value) is \$8,252,377. City tax burden is \$485 per capita. The District of Columbia does not have a city income tax. The birth rate is 19.8 per 1,000 people. Infant mortality rate per 1,000 births is 20.19 - white, Negro and other 30.3. There are 749.6 doctors per 100,000 people. There are 136.2 dentists per 100,000. Acceptable hospital beds are 7 per 11,000 people. There are 145,704 pupils in public schools. The public school expenditure per pupil is \$1,117.

Another portion of public school expenditure per pupil (excluding capital outlay) includes federal grants of \$168 per pupil based on daily average attendance. The District of Columbia does not have a personal property tax. The average annual salary of public school teachers is \$10,729. The pupil/teacher ratio is 23.1. The adult population educational attainment in the metropolitan area (median years of school completed) 12.7; 14.1% with less than 9 years of education; 25.4% with 9 or more years of college. City expenditure for police is \$90.39 per capita. The police ratio is 6.7 per 1,000 people. There are 3 major daily newspapers. 94 708 264 557

There are 20 radio and television stations. The telephone ratio is 102.4 per 100 people. Number of television households are 253,970. The District of Columbia has not received its full and fair share of economic and political benefits as a step child of the United States Congress. The District of Columbia can become part of a model "new town" network concept along with the combined status of Federal District and "metropolitan county" currently functioning in the United Kingdom. We recommend Congress enact into law S. 1435, the District of Columbia Home Rule Act of 1973 which contains adequate provision for Congressional oversight of District of Columbia activities as mandated by the Constitution. Congress should also pass and the States should ratify the proposed constitutional amendment sponsored by Massachusetts United States Senator Edward Brooke Kennedy granting the District of Columbia voting congressional delegates. Congress should restore Washingtonians to full citizenship.

APR 27 10 44 AM '73
UNITED STATES
SENATOR

732 9th Street,S.E.
Washington, D.C.20003
April 22, 1973

The Honorable Thomas F. Eagleton
Chairman, House District Committee
Old Senate Office Building
Washington, D.C.

Dear Senator Eagleton:

Mayor Washington's appearance before the District Committee to present his budget, defend it and his plea for Statehood are indeed laudatory. In fact, his intentions and sincerity are commendable. However, as a homeowner, resident and taxpayer, I cannot support his thesis and request that you use your good offices to demand and insist upon accountability from all those persons in positions of responsibility within the District Government prior to giving serious consideration and the recommendation of Home Rule.

Our forefathers and the Founders of this Great Nation in their infinite wisdom, as they developed the model for our Democratic form of Government, established the District of Columbia (a ten square mile area) as a Federal District as the seat for this government with no intention of it being considered as a State. This Federal District was to belong to all of the people in this nation, to represent all of us and not a representative few. Thus, they provided for constitutional government by providing funds to subsidize those services essential to the support of the District to further maintain the seat of our government.

These wise, concerned and dedicated leaders demonstrated leadership, integrity, commitment, pride, loyalty and responsibility. Unfortunately, some of those who have followed in their footsteps oftentimes have either lacked these characteristics and commitment or have been so imbued with the need for self aggrandizement and image building that they have not demonstrated forceful leadership, or demanded accountability from those to whom they have delegated areas of responsibility.

President Nixon has called for Law and Order. This is fundamental to good government and the development of good citizenship. Laws are, or they should be made to protect the rights of the individual. They should and they need to be enforced. The protective service (Metropolitan Police Force) is only as good as the support that it receives. The morale, seriousness of purpose and commitment of those personnel who have committed their lives to Your and My protection breaks down without this support.

The recent news items and editorials in the Washington Post, Evening Star and on TV citing Judge Harry T. Alexander's disposition of the traffic violation tickets of many local citizens prior to the March 31, 1973 deadline for the acquisition of the new automobile registrations at a loss of \$41,000 in revenue to the District is reprehensible, irresponsible and flaunting the enforcement of the law and order.

If an individual has accumulated 40 tickets for traffic violations as was cited, ignores them and then arrogantly flaunts his responsibility in making amends and paying his debt to the city, he has not only broken the law but lives defiantly of the law. That individual has no respect for either Law or Order. This was demonstrated by the number of individuals, who appeared before Judge Alexander and were able to satisfy these tickets at the rate of \$1.00 each, instead of being penalized for compounding the felony, ignoring and flaunting the law. Instead of being mollified, the penalty should have been increased. If they were unable to satisfy the fine and the accrued penalty incurred for their delay in paying their fines, then their cars should have been impounded and the violators be inconvenience until they had satisfied these obligations. This would be a lesson well learned, a deterrent for future infractions and a respect for law enforcement. The privilege of using a car implies the respect for and upholding of the law.

Do you believe that these individuals are going to be appreciative of this consideration, be better citizens or more respective of the law? Human nature does not operate this way. Without a doubt they will be continuing this pattern this year and in the years to come. The fact that they have beaten the law they will enlarge the parameters to test and beat the law. This has been demonstrated by the crime records within the District by the number of repeaters who are out on Bond and have not even been brought to trial for their first offense.

Life has no value, the Offender is given more consideration than the victim. This was recently demonstrated recently in the trial, conviction and the determination of the penalty for the individual who murdered the Catholic University Co-ed. Why was he placed in a Half-way House environment before even being brought to trial? What is going to be his penalty? Is this Justice? What consolation is this to the family of the victim?

The property at 734 9th Street, S.E., directly across the alley from my property is another case in point. It is owned by an absentee owner who lives in Virginia. The District after repeated notifications finally instituted condemnation proceedings for the removal of the house and the garage and then the district eventually removed them from the premises. Even though this is an R-4 (Residential) zone, it is, and has been used as a parking lot. It is a public nuisance. Cars have been abandoned on the lot, some have been stripped there. It is used continually for parking. Neighbors have used the due process and procedures within the District to bring this to the attention of the Corporation Council and seek relief.

A hearing was set in the summer of 1970 with Mr. Robert H. Campbell, counsel for the Corporation Council. The neighbors appeared but the owner of the property did not. We were informed by Mr. Campbell that there was no procedure by which the owner could be made to report or to comply. In fact, we, the neighbors were summarily treated as the transgressors and offenders rather than interested residents, property owners and the injured parties. Mr. Campbell has since been rewarded by being elevated to a Judgeship in the Superior Court.

This nuisance has not been abated and continues in spite of a plea to Mayor Washington's office. The assessment on my property has been increased resulting in increased taxes because I am trying to maintain and improve the property as well as trying to be a law abiding citizen. However, the property is being damaged by cars backing into the fence and bending the wrought iron; backing up against the house damaging the paint with exhaust emissions and frequently breaking windows and storm windows by stones which are ricocheted when cars are backed up at excessive speeds.

Congress is vitally concerned with environmental control and air pollution. Yet, as a private resident, I am subjected to this air pollution and nuisance without abatement in a supposedly quiet, residential neighborhood. In fact, during the spring, summer and fall I will have these fumes right into my family and livingroom as they are backing right up to my windows. These are two incidents that I am citing as they effect me. How many more citizens within the District could cite similar cases of a need for accountability from the District leadership before the District has reached its maturity and could possibly give serious consideration to Home Rule?

The Honorable Daniel K. Inouye, Senator from Hawaii, last session of Congress was most critical of the fiscal accountability of the District Board of Education and the Public School System. He is cognizant of the need for training and development of good citizenship through the educational process. Has your committee in the consideration of the District Budget questioned the school curriculum, its relevance in meeting the needs of the consumer, the development of good citizenship and a sense of responsibility from our youth and future leaders of the District? What is the rate of absenteeism in the public schools? Where is the absentee when he is not in school? Is he on the street? Is he the Juvenile Offender? What inservice growth and development is conducted for the staff to sensitize them to the responsibility and obligation for human development as well as for content? How effective have and are the staff been in effecting attitudinal and behavioral change? How is this being measured objectively?

These and myriad other problems and issues need to be faced realistically in the determination of the District's readiness for Home Rule. The educational process must start in the local community with parents, children and the educational community staff. The children and their families must be taught to respect and uphold the law or to suffer the consequences. The checks and balances must be clear and concise. The Metropolitan Police must be given the authority to carry out their assigned responsibility. They deserve the respect as the upholder and the enforcer of the Law. Once they have carried out their responsibility as law enforcement officers with honor and integrity, they deserve the support of their superiors and the Judicial process needs to be fair and responsible.

It is indefensible that our Judicial system in the District makes a mockery of justice; the repeating offender is returned to the street almost before the reporting officer has completed the time consuming and voluminous paper work and a defiance of the laws is encouraged.

Your committee has the power to require accountability and responsibility prior to giving serious consideration to the recommendation of Home Rule. The taxpayer and the public have a vested interest in the District of Columbia as long as Federal monies are used to subsidize the District Government and Federal City College. At this point, I do not feel that the District is mature, responsible and ready for Home Rule.

Your interest and concern for good government, a sense of priorities and a commitment to make the District Government a model for the Nation would be appreciated.

Thank you very much for your efforts in behalf of a responsible and responsible District Government.

cc. Mr. Nixon
 Senator Scott, Pa.
 Senator Williams, N.J.
 Senator Inouye, Hawaii
 Senator Schweiker, Pa.
 Congressman Coughlin, Pa.
 Congressman Fauntroy, D.C.
 Congressman Diggs, Michigan
 Congressman Helstoski, N.J.
 Mayor Washington, D.C.

Sincerely yours,

Laura M. Trexler
 Laura M. Trexler

Washington Home Rule Committee
924 14th Street, North West
Washington, District of Columbia, 20005

STATEMENT OF THE WASHINGTON HOME RULE COMMITTEE

ON

SI435 AND THE HOME RULE ISSUE MORE GENERALLY

TO THE UNITED STATES SENATE DISTRICT OF COLUMBIA COMMITTEE

MAY 3, 1973

Submitted by - Mrs. Connie Fortune - President

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 500 members, and have an elected Board of Directors of some 100 persons, including many of the city's best known residents. Attached 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.

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

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 Sisyphus, 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. There has been extensive community participation in the development of those proposals, and to the extent they conflict with S. 1435, we favor them over that bill. 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, 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 this Committee 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 the House Committee on the District of Columbia 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 out of the House District Committee before the 92nd 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 accomodate 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 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.

But there is one other, rather obvious, conclusion to be drawn from our past experiences. The critical hurdle for home rule legislation is in the House of Representatives. This senior body has made clear its support for D. C. home rule measures, and we have no doubt it will do so again. There is no urgency for action by the Senate. Indeed, it would seem that Senate passage of a bill different from that under consideration in the House, might serve as an obstacle to the enactment of home rule legislation, by necessitating a conference with respect to two divergent self-government measures.

Finally, we wish to emphasize that we are quite cognizant of the need, while advancing to self-government, 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 coalitions recommendations to the House District 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)
(6)

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 precludes it. For the present "condition of our Capital 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.

Thank you for allowing us to submit this statement for the record.

EXECUTIVE COMMITTEE

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PREPARED STATEMENT OF STERLING TUCKER, CHAIRMAN, METROPOLITAN COALITION
OF SELF-DETERMINATION FOR D.C.

The Metropolitan Coalition of Self-Determination for D.C. is pleased to have an opportunity to provide our views regarding S. 1435 to the Senate Committee on the District of Columbia.

We are a coalition of 60 metropolitan D.C. organizations and serve as the local component of a coalition of 51 national organizations. Both work together as Self-Determination for D.C. in support of legislation to provide the District of Columbia with local self-government and full voting representation in Congress.

There are no legal, moral or philosophical grounds for the denial of self-government to the residents of Washington. We live and pay taxes here. We raise and educate our children here. We are citizens of the Country, we are citizens of this City. We are not transients; we are not squatters; this is our home, and we plan to remain here.

We want only what residents of other cities of this Country have—a right to elect those who govern us; control over our budget and revenues; and participation in the decisions which affect our lives daily. We are not mythological; we are here and we are entitled to be treated as though we are.

For many years now, the Senate has been responsive to our request that this basic American right of self-government be restored to us. We appreciate the Senate's support and the concern and efforts of Senators as indicated in this bill, S. 1435.

Basically, we believe that local self-government legislation must contain four provisions: (1) a locally-elected Mayor and District Council or Assembly; (2) local legislative authority over local affairs; (3) full local budgetary authority including the right to determine local priorities and to raise and allocate revenues; and (4) an automatic payment of financial assistance from the Federal Government to the District of Columbia government. For the most part, S. 1435 meets these general requirements.

Recently, in preparation for House hearings on home rule, the House District Committee's Government Operations Subcommittee provided us with a list of questions they wished us to respond to in testimony. I would appreciate having that memo, which is attached, entered in your hearings record along with our testimony, beginning with our response to the question of the "federal interest."

This testimony was the result of the efforts of many community leaders, professionals and persons who have worked within the District Government. We organized seven task forces to study the Subcommittee's questions and held an all-day workshop on the task force reports. Our House testimony, therefore, provides you with our detailed views on many of the issues involved in self-government legislation.

Our recommendations differ in a number of instances from the provisions of S. 1435 and we hope that you will give our views every consideration. We would like to take this opportunity to highlight those areas of disagreement between our suggestions and yours where we have the greatest concern.

Although we recognize the need to provide many details for the structuring of a transfer of government, we did feel that in many instances S. 1435 is too detailed. We strongly suggest that wherever possible, decisions be left to the new District Council or Assembly, as is provided for in Sec. 304, for example. We also recommend the following changes:

Section 325 (D) (1).—This section would limit the Council from specific revenue raising activities. Our views are reflected in our House testimony in Jim Devall's statement as follows:

The new District of Columbia Government should have complete authority to establish local taxes and engage in any other revenue-raising activities which it deems necessary. The local taxing authority should include the power to set not only those taxes now established by the Congress, such as the District's income tax and the sales tax, but also any new taxes, charges or fees. The District should also be authorized to establish other income-raising methods determined appropriate.

The local taxing authority for the District should be analogous to that now generally possessed by State and local jurisdictions. This comprehensive local revenue-raising authority is essential if the new District Government is to have the flexibility necessary to meet the current and future needs of the city. . . .

The local taxing authority we envision is one unhampered by any restrictions in the enabling legislation. Recognizing that there might be certain areas of disagreement on this point . . . we propose that any restrictions on the District's ability to raise revenue from local sources be fully recognized and accounted for in the computation of the Federal financial commitment to the District. Absent either complete local taxing authority or appropriate recognition of a reduced local taxing base in Federal financing for the city, the District could find itself seriously hamstrung in its effort to rationally fulfill its responsibilities to both the local citizenry and the obligations resulting from the presence of the Federal Government.

Section 325 (G).—This section would provide for a Congressional veto by either House of Congress of acts adopted by the District Council. Our testimony on this point is contained in my statement regarding the "federal interest" and in the following language from the statement of Delano Lewis:

"Of course, any act of the Assembly (Council), itself a creature of Congress, could at any time be negated by a positive enactment of the Congress . . . Because of this Constitutional fact of law, we do not see the need for a veto provision, such as was included in the Senate bill of the 92nd Congress. However, if a veto provision is considered, we strongly urge that it require action by both Houses of Congress."

Title IV should specifically grant the Mayor the power to enter into interstate compacts along the lines of Title VI, Sec. 644.

Section 501.—This section should be deleted and the authority to establish the fiscal year of the District of Columbia should be vested in the City Council. There may be excellent reasons to have a fiscal year for a period different than that designated in the Bill and the Council should have that flexibility. If the Council does conform the District fiscal year to the Federal fiscal year, this flexibility would allow the Council to make changes should the Federal fiscal year be changed.

Section 502.—In line 20 on page 38, delete the words "not later than March 15" to make the section consistent with the deletion of Section 501.

Section 503.—This section should be revised to eliminate the specific dates, again, in line with the deletion of Section 501.

Section 505.—In line 13 on page 40, delete the word "monthly" and insert the word "periodic." In lines 16 and 17 on page 40, delete the words "December 31 following" and insert the words "six months following the beginning of." These changes, we suggest, would provide greater flexibility in the financial reporting requirements of the section and the second change is consistent with the deletion of Section 501.

Section 507.—We recommend that in connection with the Mayor's authority to perform internal audits language should be added specifying that the Mayor will use GAO accounting procedures to the extent feasible and otherwise cooperate with any Federal auditing procedures to the extent feasible.

Section 521.—We recommend deletion of this section in its entirety. Such deletion is consistent with the general budget and fiscal authority provided to the Council and Mayor in the Bill. As previously noted under Section 507, it is recommended that the Mayor follow GAO audit procedures to the extent possible. It is further recommended below with respect to Section 701 that the GAO provide an audit only of the transfer of funds from the Federal Government in connection with the annual Federal payment.

Section 531.—While strongly concurring in this provision, it is recommended that Subsection B be broadened to include reimbursement for a variety of expenses incurred by the District in connection with matters related solely to the activities of the Federal Government. There are likely to be a number of expenditures which are unique and difficult to anticipate and extensive flexibility in this section will give the Federal Government greater opportunity to utilize the District Government resources as may be appropriate to meet specific Federal needs. Subsection C should be deleted as it appears to have no relevance whatsoever to the section.

Section 601.—While concurring in the bonding authority provided by the section, we recommend that all references to limitations on either debt amounts or use of borrowed funds be deleted. As is often the case with statutory limitations, these specific debt limits may seriously affect the ability of the District Government to determine its capital construction program. The borrowing authority should be subject to a debt ceiling established by the new elected Council and both the initial debt ceiling and any further changes in that ceiling should be determined by two-thirds concurrence of the full Council.

Section 602.—The submission of any bond issue for referendum should be discretionary in the Council. This would be consistent with the broadened borrowing authority recommended in connection with Section 601.

Section 631.—In lines 19 and 30 on page 57 and line 3 on page 58, reference to the Comptroller General should be deleted. This deletion is consistent with the changes recommended in respect to GAO involvement in the local District budget process.

Section 701.—This section meets two essential objectives of an adequate Federal payment to the District of Columbia: a formula approach allowing adequate planning on the part of the District with respect to the amounts to be received and an automatic payment process which eliminates the annual appropriation review of the District's budget.

It is our understanding that the percentage amounts established in the section would be comparable or greater than the current authorized payment of \$190 million. It is our position that a Federal payment should begin at a minimum with the existing authorized payment, and should increase over a period of three to five years with a review at the end of that time by both the District Government and the Congress.

Our views on the Federal payment are spelled out in more detail in our House testimony. We could support other formula approaches providing comparable financial assistance to the District.

In connection with any Federal payment to the District, the intent of Congress should clearly be stated to the effect that the Federal payment is in addition to any funds received pursuant to revenue sharing. This intent should reflect the distinction between revenue sharing which is provided to all jurisdictions and the Federal payment which is provided to the District because of its unique relationship to the Federal Government.

We also recommend that Section 331 be redrafted to clarify that the Council Chairman may not sign bills into law in the Mayor's "absence" for instance. Section 337 (B) does not conform with the Court Reorganization Act. Line 14 should read "D.C. Superior Court." Section 402 (10) and (11) are examples of details we believe should be eliminated. We recommend that the Mayor set the salary of the City Administrator, and we feel it is inappropriate and unnecessary in (11) for the Mayor to have the specific power to propose legislation to the U.S. Congress.

With respect to Title VIII, Sec. 801, our House testimony recommends that elections for the Mayor and District Council and the D.C. Board of Education be held in odd-numbered years. This would separate local elections from national elections. We further recommend a September primary, believing that the long length of time between a spring primary and a fall general election is difficult for candidates and voters alike. We would further object to inclusion of filing fees in the legislation. However, we recognize that Section 802 would permit procedures for these changes through action by the District Council and referendum.

We appreciate this opportunity to present our views. We believe the Senate District Committee recognizes that local self-government for D.C. is in the interest of both the Congress and the citizens of the United States, as well as District residents. Although we have used this occasion to suggest changes in the legislation, we are confident that the Senate will again act, as it has in the past, to adopt a strong bill granting self-determination to the disenfranchised residents of our Nation's "last colony." These efforts are very much appreciated.

* * * * *

SOME SELECTED ISSUES AND PROBLEMS, REGARDING SELF-GOVERNMENT AND GOVERNMENTAL ORGANIZATION, OF INTEREST TO THE SUBCOMMITTEE ON GOVERNMENT OPERATIONS, DISTRICT OF COLUMBIA COMMITTEE, U.S. HOUSE OF REPRESENTATIVES

The following issues reflect a number of areas of interest and concern to Members and staff of the Subcommittee on Government Operations. They are intended to indicate some of the questions which are of paramount importance to the Subcommittee and to solicit comment, in testimony or statement form, in these areas from interested parties. This list is not designed to indicate all areas of concern nor to commit Subcommittee Members to particular courses of inquiry or action.

LEGISLATIVE FUNCTION, INSTITUTION

1. Should some, all or no legislative powers be transferred from the Congress to the local government? If some, which ones should not be transferred? If all, what measures should be taken to comply with the requirement of Article I, Section 8 of the U.S. Constitution that the Congress exercise exclusive legislation over the District of Columbia?

2. Should there be a distinction between laws normally enacted by municipalities and those normally enacted by states? If so, should a separate institution (and which one?) enact laws normally adopted by state legislatures?

3. How many legislators should there be? How long should their terms be? Should members be elected, and if so, should elections be partisan or non-partisan? Should legislators be elected at-large, from wards or from a combination of these two (if a combination, in what form)? If appointed, who should appoint the legislators?

EXECUTIVE FUNCTION, INSTITUTION

4. Should the chief executive be elected or appointed? If elected, should the executive be elected in partisan or non-partisan elections? For how long should the executive's term be? If appointed, by whom?

5. Should the executive's powers be similar to those of a mayor, city manager, county executive, governor or a combination of some or all of these?

JUDICIAL FUNCTION, INSTITUTION

6. What relationship should there be between the judiciary and the other branches of local government? Should judges and other judicial and prosecutorial officials be appointed or elected? If appointed, by whom? If elected, would there be a means of reducing the impact of "politics" on the judiciary? How long should terms of office be for these officials?

FISCAL AFFAIRS FUNCTION

7. Should some, all or no fiscal powers be transferred to the local government? If some, which powers should be retained by the Congress?

8. Should the federal government continue in the future to make a "Federal payment" to the District? If so, in what form, on what basis, and to what extent?

9. What additional local revenue sources are available which would lessen or limit federal financial assistance in the future?

ELECTORAL FUNCTION

10. Which public officials from the legislative, executive and judicial branches (not previously discussed) should be elected and which should be appointed? For those who are to be appointed, who should make the appointments?

11. What changes, if any, should be made in the election laws (to accomplish these objectives)? What changes, if any, should be made in the Hatch Act (to alter current restrictions on the eligibility of government employees to run for public office)?

GOVERNMENTAL FORM

12. What governmental form—mayor-council, territorial, statehood, commissioner, or other—should be established? If mayor-council, should it be strong-mayor or strong-council? If territorial, should the legislative branch be similar to a state legislature, and if so, should it be a unicameral or bicameral body? If the legislature is to be bicameral, what differences should there be in powers, functions, etc. between the two bodies?

13. Should there be one, two or more levels (municipal, county, state) of government? If more than one, how should governmental powers be divided? What should be the relationship of the local government to the federal government?

GOVERNMENTAL ORGANIZATION

14. Which agencies, departments, boards, commissions, etc. should be abolished, merged or otherwise restructured, in whole or part? Should the Congress, the local government or both perform such restructuring? Where should reorganization powers lie in the future?

FEDERAL INTEREST

15. What is the meaning and definition of the "federal interest"? What is its effect on the government of the District? To what extent and by what institution(s) should it be maintained?

Further inquiries should be addressed to:

[Testimony on self-determination for the District of Columbia as inserted in Congressional Record by Senator Gaylord Nelson, April 3, 1973]

TESTIMONY BEFORE THE GOVERNMENT OPERATIONS SUBCOMMITTEE OF THE HOUSE
DISTRICT COMMITTEE, TUESDAY, APRIL 3, 1973

(Statement of Sterling Tucker)

FEDERAL INTEREST QUESTION

The Subcommittee asked: "What is the 'federal interest' and how it is defined?"

The "federal interest"—as regards the District of Columbia—would be best served, we believe, by adopting legislation delegating the full powers of state and local government to a locally-elected District government. This would serve the "federal interest" from several points of view—moral, political and practical.

It is in the "federal interest" to provide for "consent of the governed" in the Capital City of the United States. This is the form of government we advocate throughout the world but do not practice in our backyard.

It is clearly in the "federal interest" to free Congress from the burdens of dealing with the District's purely local affairs.

Finally, a locally-elected government, operating on a full-time basis, accountable to the people of the District, would provide a more practical and efficient form of District government. And certainly, good government in the District is in the "federal interest."

In all cases, the "federal interest" as Congress chooses to define it, is protected by the U.S. Constitution, which grants Congress exclusive jurisdiction over the District of Columbia.

We would resent, and I'm sure the Subcommittee did not mean to imply, any suggestion that there is a dichotomy between "federal interest" and "local interest." We would be unhappy to be placed in an adversary position in this regard. We hold an adversary position only with respect to our current colonial status—in that area we have strong views.

In a very broad sense, the "federal interest" and the "local interest" are in harmony.

The Federal Government is a major employer of the citizens of the District. The well-being and proper functioning of the Federal Government is clearly in the "local interest."

The residents of the District are proud of our Capital City. The monuments, Capitol Building, White House and Smithsonian Museum are a vital part of our city. The L'Enfant plan is a local resource. It would be very incorrect to assume that the beauty of the Mall is within the "federal interest" but not the "local interest." We D.C. residents have a strong interest in protecting the beauty of the city.

The question of local self-government for the District of Columbia requires a definition of the "federal function" in the District, not the "federal interest." The question should be: "What is the federal function—or—to which agency, council, etc. should Congress delegate various functions over which it maintains constitutional responsibility? Which functions are best delegated to a local government? Which should be directly under the control of a Congressional committee or Federal Agency?"

We believe that the Federal Government has special responsibilities within the corporate limits of the District of Columbia. We conceive of the federal function as threefold:

1. The Federal Government's responsibility for the well-being of the diplomatic community residing and working in the District of Columbia;
2. The Federal Government's responsibility for the establishment, care and maintenance of federally-owned buildings, lands and monuments;
3. The Federal Government's responsibility to maintain the harmonious and uninterrupted physical operation of the three branches of government and to insure that the Constitutional rights of all the people of the United States (right of assembly, right of petition, etc.) are guaranteed within the District of Columbia.

We propose that these areas of federal function be delegated to appropriate Congressional or Executive agencies with the Federal Government maintaining exclusive jurisdiction and immediate control over the administration of these functions.

All other functions involving the District of Columbia should be delegated to a locally-elected government.

Although we did consider the fact that occasional functional overlaps and differences of opinion would arise, we believe that the authorities administering the federal function and those administering the local function would work in harmony on the vast majority of occasions.

It has been suggested, for example, that the architectural consistency and visual appearance of the Mall could be affected by a Zoning Commission decision authorizing the construction of a high-rise office building adjacent to federal land. However, the architectural consistency and visual appearance of the Mall is in the "local interest" and we believe that a locally-elected government would act in good faith on such matters, responsibly watching out for these "federal-local" interests.

In any event, the Congress has ultimate authority to act if it feels the actions of the District Government are in conflict with the federal function. This power provided by the U.S. Constitution would not be removed through legislation providing for local self-government.

If this Subcommittee determines that a mechanism should be created for arbitration of conflicts between the federal and local functions, we would like to testify at the time with respect to our recommendations on this subject. We did consider several specific proposals in this regard, but we feel that they are not necessary to protect the "federal function," just as they aren't necessary in the fifty states where the Federal Government has an interest in terms of federally-owned lands and buildings, diplomatic offices and regional operations of the Federal Government.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA (Testimony of Delano E. Lewis)

I am Delano E. Lewis, General Public Affairs Manager of the Chesapeake and Potomac Telephone Company and the chairman of the Political Committee of Self-Determination for D.C. My portion of the testimony will address itself to the specific questions regarding the form and organization of the local government and the questions of executive and legislative function.

GOVERNMENT FORM

We propose a Mayor-Council form of government. This is a natural outgrowth of our recent experience and has proven use in many large cities. However, we would recommend, in place of our current nine-member Council, a District Assembly of 13 members. The larger Assembly would be required to meet the increased workload and responsibilities this body would have. The District of Columbia should have only one level of government, in our judgment. As a polity, D.C. is comparable to a "city-state," unique in the United States.

We would like to see what is often referred to as the "strong-Mayor" form of Mayor-Council government in order to assure an ability to act and be responsive on the part of the local government to both the people and the needs of the National Government. The "strong-Mayor" form is basically what we have today in the District, and has been defined by one writer as follows:

"Where the mayor's authority exceeds that of the council, what is called the 'strong-Mayor' form of government exists. One cannot distinguish sharply between systems having a 'weak' and a 'strong' mayor, but in a general way the strong-mayor form resembles the national government. The mayor shares with the Council responsibility for policy-making, but he alone has administrative responsibility. He appoints department heads without approval of the council, makes up the budget, and usually his veto can be overridden only by a two-thirds vote of the council. He is the dominant force in the city government; the council must follow his lead." (Banfield & Wilson, *City Politics*, p. 80 (Vintage, 1966))

We would define a strong-mayor form of government as one in which the residual powers as well as certain explicit powers rest with the Mayor, while the Assembly has only the authority set forth in the enabling legislation.

EXECUTIVE FUNCTION

The District Mayor will function in a political environment different from that of any other local government executive. This is due to the District's rela-

tionship to the Congress and surrounding states and counties. The Mayor's powers should be a combination of the power of Mayor, County Executive and Governor, as is the case today with the Present Mayor-Commissioner. Surrounded by the States of Virginia and Maryland, the District does and will work jointly with these states and their counties on a host of matters, such as sanitation, water supply and pollution, to mention a few. Thus, the Mayor of the District of Columbia will need the authority to enter into functional agreements with surrounding county, state and regional bodies, as is the case today.

The Mayor should be elected. We recommend that he serve a four-year term and that the Mayor be elected in a partisan election.

We recommend that the Mayor have the authority to make certain appointments without confirmation by the Assembly. These would include a Deputy Mayor, department heads, Fire Department Chief, Police Chief, Auditor and the boards of all present local agencies with some exceptions. As a balance of power, we would recommend that certain other appointments be made by the Mayor with the approval of the Assembly. For example, the Public Service Commission, the Board of the Regional Land Agency in the District of Columbia and such other appointments formerly made by the President of the United States, should be approved by the Assembly.

LEGISLATIVE FUNCTION

We recommend the creation of a District Assembly with members elected on a partisan basis, both from wards and at-large. It is envisioned that at-large assemblymen would achieve greater independence from a narrow constituency and could take a broader and more objective view of the city's problems. Moreover, by becoming known city-wide they are afforded an opportunity to assume a city leadership role. On the other hand, there is a greater incentive for ward-elected assemblymen to be responsive to, and serve, the needs and wishes of their constituencies. Also, at-large races tend to be relatively expensive. Therefore, we suggest the Assembly be comprised of eight assemblymen elected from eight Districts of wards and five at-large members.

Assemblymen should serve staggered terms of four year, expiring on even-numbered years. We propose that the Assembly elect its Chairman from among the at-large members and the Vice-chairman from among its 13 members every two years, following the elections of the members.

We strongly recommend that the Congress delegate to the District Assembly full legislative power over local affairs. If this new government is to work at all, if it is to relieve the Congress of the necessity for legislating on purely local matters, and if it is to be capable of governing the city efficiently and responsibly, then it must have the range of powers normally vested in state and local governments.

This Subcommittee has asked us to respond to the question of whether or not a distinction can be made between "laws normally enacted by municipalities and those normally enacted by states?" It is our view that this is both a practical impossibility and unwise from the standpoint of reasonable and responsible government. At the present time, the city government performs many state functions and has commensurate state legislative authority to act in certain areas. The city is also the "state agency" for purposes of all federal programs and as such adopts state plans in such areas as mental health, welfare and highway safety.

The even more compelling reason for not making such a distinction between state and local functions is one of simple logic and history. Just as Congress stepped into the field of interstate commerce to assure uniformity of law within a geographically related area, states serve the function of providing uniformity over a geographic area in such fields as commerce, transportation, higher education and so forth. States, of necessity, legislate where conflicting local laws would be detrimental to the public interest. There is no such danger here. There is only one geographic unit and the need for only one political unit. The District Assembly will be at once both city and state.

For similar reasons, we did not recommend a bicameral legislature, which is created when there are competing interests and areas to be represented. In an area as small and compact as the District, all interests can be represented within the Assembly. We would provide this Assembly, by the way, with the power to alter its size through referendum.

The new legislative powers which the Assembly would assume are in large part proposed in the recommendations of the Nelsen Commission report. The legislation should explicitly grant the Assembly the right to set new taxes and alter existing tax rates and the authorization to participate in all federal grant

programs in a manner analogous to other state and local jurisdictions. Of course, any act of the Assembly, itself a creature of Congress, could at any time be negated by a positive enactment of the Congress even if the act were purely and otherwise valid. Because of this Constitutional fact of law, we do not see the need for a veto provision, such as was included in the Senate bill of the 92nd Congress. However, if a veto provision is considered, we strongly urge that it require action by both Houses of Congress. We have every confidence that an elected District Government would act responsibly as do elected municipal and state governments throughout the free world.

GOVERNMENT ORGANIZATION

Any agency, department, etc. presently exercising functions which do not fit into the identified categories of "federal functions," such as agency and/or the jurisdiction exercised by same should be transferred to the District government. The Redevelopment Land Agency and the National Capital Housing Authority are examples of this type of agency.

Any agency, department, etc. presently exercising functions partially local and partially federal should relinquish its local jurisdiction and focus exclusively upon its area of Federal authority or expertise. The National Capital Planning Commission, for example, should relinquish its local planning function to the District Government, but retain its planning authority over federally-owned lands and buildings. These recommendations are consistent with the Nelsen Report. Lastly, the right to reorganize and restructure local functions should rest with the District Government.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

(Testimony of Sturgis Warner)

I am Sturgis Warner, an attorney in private practice. I have lived here for more than 30 years and my roots are deep here. My portion of the testimony will address itself to the specific questions of electoral function and judicial functions.

As you have heard us testify, we recommend the Mayor and the members of the Assembly be elected. In addition, we recommend that consideration be given to electing the Public Prosecutor for the District of Columbia. That office is an elected office in a number of states, and we believe that this method of selection provides the incumbent with greater freedom of action. The incumbent would for instance be in a position to prosecute the Mayor or a member of the Assembly, if that became necessary. At present, the members of the Board of Education are elected, and we believe that this should be continued, with some changes in compensation which I shall discuss shortly.

We believe that, at this time at least, the officials whom I have just mentioned should be the only ones who are elected, and that all others should be appointed, with or without confirmation by the Assembly.

Before discussing such matters as the length of the terms of office and the mechanics of nomination and election of these elected officials, it is important at the outset to stress that these officials are going to carry a big load and tremendous responsibility, and that they should be compensated accordingly. We believe that the Mayor's salary should be \$40,000 as at present and that each member of the Assembly have a salary of \$25,000.

You must bear in mind that the total size of the Assembly is only thirteen members and that the legislative load on the Assembly really is going to be very heavy; accordingly, the salary level for the Assembly members should be based on the assumption that most of them will be working full time as Assembly members and not have to moonlight. We believe that the President of the Assembly, who will be elected from among its members should receive additional compensation during the period of that person's Presidency, perhaps an additional \$5,000.

The elected Public Prosecutor would also carry a heavy load, including the supervision of a substantial staff of assistant prosecutors, we believe that the salary of that official should be in the \$30,000 to \$35,000 range.

The members of the Board of Education are now elected, as previously stated, but that the present rate of compensation which is only \$1250 a year, is totally inadequate for the amount of time required to be spent on what is recognized to be an extremely difficult area of public administration—namely, the operation of a public school system of 140,000 pupils. We believe that the salary of Board

of Education members should be raised now to \$15,000 or \$20,000 a year and that the job be considered to be basically a full-time job.

These salaries are the ones which should be in the basic legislation itself. The Assembly would have the power to vary these salaries as later circumstances require. We believe that it is essential that the District of Columbia have a tough but realistic conflict of interest law which would be applicable to all these elected officials, and which would require abstention from action either by the Mayor or a Member of the Assembly who has a conflicting interest in a pending measure. The conflict of interest statute should contain disclosure requirements with the disclosed information to be available at least to other elected members of the District Government and in certain categories to the public. We recognize that the evolution of such a conflict of interest statute will be a difficult operation, but we believe it will be an essential part of any package, and will be glad to participate in its drafting.

Turning next to terms of office of elected officials, and the method of nomination, we believe that the Mayor should be elected for a four year term, and that the members of the Assembly should be likewise elected for four year terms. There would be five members of the Assembly elected at large, with elections every two years for staggered four year terms. There would be one member elected from each of the eight election wards and these two would serve full year terms with elections staggered two years apart. We believe that the Presidency of the Assembly should be for a two year period so that the members can choose their President immediately after each new Assembly election. We believe that the Prosecutor should be elected for a full four year term. The Board of Education at present consists of three at large members and one elected for each of the eight wards. They all have four year staggered terms and we believe that no change in this arrangement should be made at this time.

Nominations for Mayor and Assemblymen should be partisan, with closed party primaries, with provision however, for minority parties and non-partisans to be nominated to compete in the general elections, as in the case at the present time with respect to candidates for Delegate to the House of Representatives. All nominations should be by petition signed by D.C. registered voters and the numbers of signatures required for nomination to each such office to be somewhat fewer than the signatures required for the Delegate to the House of Representatives. Obviously substantial work will be necessary to work out the details on these nominating requirements and those requirements for the conduct of the primary and the general elections of these officials. We shall be glad to assist in drafting such provision.

THE JUDICIARY

The Court system here has recently had a comprehensive reorganization through the District of Columbia Court Reform and Criminal Procedure Act of 1970. Transfers of jurisdiction from the U.S. District Court to the Superior Court are taking place progressively, and will not be completed until August of this year.

While further changes in the Court system may ultimately be proved desirable, we believe that the present new Court system needs to have a chance to shake down and to operate for a while; consequently, we believe that at this time, no changes should be made either in the Superior Court's jurisdiction, or operations, or compensation or terms of office. The sole change, with regard to the judges themselves, should be in the authority for selection and appointment of the judges of the Superior Court and of the D.C. Court of Appeals.

Rather than have these judges nominated by the President and confirmed by the Senate, as at present, we recommend an adaptation i.e. variant of the so-called Missouri system, which contemplates the creation of a high-level standing Judicial Selection Committee, composed principally of lawyers, who maintain continuing responsibility to recommend several suitable candidates for each judicial post to be filled.

The nominating authority to whom the Judicial Selection Committee would make its recommendations, would be the Mayor, with all judicial nominations subject to the advice and consent of the Assembly. The Mayor would be obligated either to nominate one of the persons proposed by the Judicial Selection Committee for each vacancy, or in the alternative to reject all such persons, in which latter case the Judicial Selection Committee would send a new list of prospective candidates to the Mayor. If the Mayor rejected all the names on the second list as well as the first list, the Judicial Selection Committee would make public the names on both lists, which the nominating authority had rejected. At that point, and only at that point, the Mayor would be authorized to make his or her own selection as nominee without reference to the recommendations of the Judicial Selection Committee.

Variations of this plan can, of course, be developed and will be developed if this Committee so requests; however, we feel that the general plan makes a great deal of sense. An effective Judicial Selection Committee requires continuity, and also a competent but very small staff, probably not more than one or two persons. The Committee should meet regularly at least every couple of months, even though there is no judicial vacancy to be filled, in order to build up a carefully screened list of competent prospective judicial appointees for use as soon as any vacancy occurs. It should be borne in mind that the D.C. Court of Appeals has nine judges, the Superior Court has forty-four judges—two vacancies at present—and both Courts have mandatory retirement at age 70. It can be expected, therefore, that vacancies in one or both Courts will occur with relative frequency, wholly apart from reasons of death or disability or premature retirement, so that the Judicial Selection Committee will have continuing work to do.

The membership of the Judicial Selection Committee can include not only representatives of the Bar (and possibly the Bench), but also one or more representatives from the White House, the Congress, as well as the public in general.

The proposed statute should include a grandfather clause to permit present judges to stay during their present terms of office, and possibly also to provide for their reappointment once without action by the Judicial Selection Committee, until such judges reach the mandatory retirement age.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

(Testimony of James L. Devall)

Mr. Chairman and Members of the Committee:

My name is James L. Devall and I am appearing today, on behalf of the Metropolitan Coalition of Self-Determination for the District of Columbia, to discuss certain financial and budgetary issues associated with home rule for the District of Columbia. I am presently an attorney in private practice in the District. Previously I worked in the Executive Office of the Mayor for the District of Columbia and was involved in legislative and regulatory matters for the City. I have also been employed by the Federal Office of Management and Budget and in that capacity I handled District legislative matters.

In my testimony I have addressed myself to two interrelated matters of significant importance to any legislation providing for local control of local affairs in the District of Columbia. The first of these is the question of local financial and budgetary authority for the District of Columbia, and second, the financial relationship between the Federal and District Governments.

LOCAL FINANCIAL AUTHORITY

Local taxing authority

The new District of Columbia Government should have complete authority to establish local taxes and engage in any other revenue-raising activities which it deems necessary. The local taxing authority should include the power to set not only those taxes now established by Congress, such as the District's income tax and the sales tax, but also any new taxes, charges, or fees. The District should also be authorized to establish other income-raising methods determined appropriate.

The local taxing authority for the District should be analogous to that now generally possessed by State and local jurisdictions. This comprehensive local revenue-raising authority is essential if the new District Government is to have the flexibility necessary to meet the current and future needs of the city. Pursuant to such authority, the new District Government would no doubt carefully review, at the outset, and on an annual basis thereafter, the level and applicability of existing local taxes and the desirability of any additional taxes or fees and charges. With respect to other revenue-raising authority, the District would presumably wish to examine such potential revenue items as lotteries and off-track betting. Experience in other jurisdictions indicates that these types of revenue-producing activities should be fully explored.

The local taxing authority we envision is one unhampered by any restrictions in the enabling legislation. Recognizing that there might be certain areas of disagreement on this point, in terms of the extent of the District's authority as it might affect individuals, activities, or organizations within the city, we would propose that any restrictions on the District's ability to raise revenue from local sources be fully recognized and accounted for in the computation of the Federal financial commitment to the District. Absent either complete local

taxing authority, or appropriate recognition of a reduced local taxing base in Federal financing for the city, the District could find itself seriously hamstrung in its effort to rationally fulfill its responsibilities to both the local citizenry and the obligations resulting from the presence of the Federal Government.

Local borrowing authority

The new District Government should be authorized to engage in public borrowing for the capital construction expenditures of the city. The borrowing authority should be flexible to the extent necessary to allow the city to either pledge specific revenues to a particular bond issue or to provide general borrowing with principal and interest paid through the use of operating funds.

The District's borrowing authority, in a manner analogous to most State and local jurisdictions, should consist of the power to issue tax-exempt bonds. In the event that Congress, through the enabling legislation, should determine that a Federal guarantee of local District bonds is preferable to tax-exempt bonding authority, then that Federal guarantee should be tied to an automatic interest-subsidy payment by the Federal Government. This interest-subsidy feature would be necessary to insure that the District be able to borrow at effective rates comparable to those available in the tax-exempt market.

The District's current outstanding capital debt, which consists of long-term borrowing directly from the Federal Government, should be repayable either according to the existing payment schedules or through refinancing by the District Government utilizing its new borrowing authority. Specific provision should be made for the exclusion from the District's local debt of any outstanding obligations of the Federal Government, such as the indebtedness of the National Capital Housing Authority. Those obligations are likewise "Federal obligations" within State and local jurisdictions and should not be considered local borrowing.

The District's borrowing authority should be subject to a debt ceiling established by the local legislative body. The initial debt ceiling and any future changes in the ceiling should be determined by two-thirds concurrence of the full local legislative body. The District's borrowing authority should be subject to the annual budget process of the city.

Local budget authority

The new District Government should have complete authority to establish the local budget. This authority should be divided between the executive branch, through submission of an executive budget, and the legislative branch, through the approval process. The District budget should be balanced on the basis of all funds available to the city, with authority to engage in short-term borrowing in anticipation of revenue receipts.

FEDERAL-DISTRICT FINANCIAL RELATIONSHIP

Federal payment

An annual Federal payment should continue to be made to the District Government. Historically, this payment has been made in recognition of the presence of the Federal Government and its significant impact on the city. That impact was recently reviewed in detail by the Commission on the Organization of the Government of the District of Columbia.

The Commission, quite correctly in our view, concluded that it is difficult if not impossible to quantify the impact of the Federal Government in the District. Rather, the Commission outlined numerous factors which underlie the Federal financial commitment to the city. Those factors include the significant amount of land, and land value, in the city exempt by virtue of Federal ownership, the unique limitations on the local tax base due to the relative lack of revenue-producing commercial and industrial enterprises; limitations on the District's tax base due to height limitations and other zoning restrictions; and the effect of Federal agency relocation and leasing decisions. This list of factors is illustrative of the considerations inherent in the Congressional decisions over a period of decades in providing the Federal payment for District Government operations.

The Commission viewed the Federal payment as representing an equilibrium or balancing the benefits and costs resulting from the Federal presence. The result of the historical balancing and decision-making on the part of the Congress with respect to Federal responsibility to the city is reflected today in the existing annual authorized Federal payment of \$190 million. The historical perspective which has led to the establishment of that amount appears to us to be an appropriate place to begin the new Federal-District financial relationship.

We would propose that the annual Federal payment be established with two objectives in mind. The first objective is a clear recognition that the payment cannot remain at a static, fixed level as the needs of the city continue to grow. Rather, the payment, as has been the case historically, should be established so as to allow for increases based in a rational manner upon the District's own revenue commitments and resources. Second, the procedure by which the Federal payment is made to the city should be automatic. Payment should be automatically appropriated and provided to the city on a timely basis at the beginning of each fiscal year. This feature will allow the local District Government to accurately predict the resources it has available and proceed with its budget planning and city operations in an orderly and efficient manner.

In recognition of the Congressional determination of the current amount and the historical incremental increases provided by the Congress, we would propose that the enabling legislation provide in the initial year, the current authorized payment of \$190 million. For the succeeding five years, that payment would automatically be recomputed to reflect an increase by the same percentage as the increase in the local general fund revenues. At the end of five years, the question of the future Federal-District financial relationship should be examined jointly by the District Government and the Congress to determine the appropriateness of this method of computation in light of the five-year experience.

This proposal is designed to build on the wisdom of the prior Congressional decisions on the Federal commitment to the city, and to insure a specific payment to the city for budgetary and planning needs.

Existing obligations

In order to insure that the new District Government is not unreasonably burdened with extraordinary expenditures as a result of expanded functions or unique circumstances, a careful review of outstanding and potential obligations should be undertaken with the objective of identifying those obligations originating either in Federal commitments or a transfer of functions to the new government. These obligations should be accommodated through appropriate funding in legislation authorizing local self-government.

Examples of the type of obligations to be considered in this review include the following:

Robert F. Kennedy Memorial Stadium: No payments have been made on the approximately \$20 million in outstanding debt for construction of the stadium. While the District is responsible for principal and interest payments, the stadium itself is owned by the Federal Government. Recognition should be given to this outstanding obligation, possibly through some shared Federal-District method of retiring the outstanding obligations and transferring title for the stadium to the District.

St. Elizabeth's Hospital: With the transfer of St. Elizabeth's Hospital to become a part of the comprehensive mental health programs of the local District Government, some arrangement should be devised to compensate the District for services of a Federal nature and for the absence, in the short-term, of normal Federal financial assistance for facilities of this nature.

Higher Education: States and localities have proceeded with the development of higher education facilities over a lengthy period of time and in many cases with substantial Federal assistance during much of that period. Only recently has recognition been given, through the enactment of legislation, to the need for higher education facilities in the District of Columbia. This fact has resulted in significant requirements for capital outlays to provide higher education facilities in the District and those expenditures should be considered in the review which we are recommending.

Personnel systems: In certain instances the District Government has, through its operating budget, contributed significant amounts to various Federal personnel retirement systems. With the creation of a unified local personnel system and local retirement funds, appropriate reimbursements should be made into those funds in recognition of past District contributions to the Federal retirement system. Similarly, consideration should be given to the funding needs of new retirement funds for District police and firemen.

Federal reimbursement

Finally, a mechanism should be established to take care of future situations in which the local District Government must obligate itself, because of a request or action by the Federal Government, to expenditures uniquely related to Federal activities.

Some of these expenditures may be on a periodic basis such as the local costs associated with inauguration of the President. Others may be associated with unforeseen events involving the Federal Government such as mass demonstrations in the city. Generally, these expenditures are likely to occur as the result of requests by the Federal Government to develop either local programs or local facilities to serve the Federal interest. Typically, these expenditures have not been included in the annual Federal payment to the city because of their uniqueness and the fact that they are difficult to anticipate. A reimbursement device will give the Federal Government greater flexibility to utilize District Government resources as may be appropriate to meet specific Federal needs.

The determination as to the appropriate amount to be paid by the Federal Government for these types of unique expenditures should, in the first instance, be made by the District Government and then be subject to audit by the General Accounting Office. A determination as to actual appropriation and payment should be made through the creation of an advisory body consisting of representatives from both the Congress and the District Government. Upon a determination by the body as to the appropriate sum, appropriation to the District should be on an automatic basis in the same manner as the annual Federal payment.

I appreciate the opportunity to testify today and I would be pleased to attempt to answer any questions you may have.

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

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 popularly 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 regulation. 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-delegable. 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 Capitol 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 Defense 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 proprietary 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 Foreword 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 93d 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.
 National Alliance of Postal and Federal Employees.
 Legislative Affairs Project, United Methodist Council on Youth Ministries.
 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 USA.
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, USA.
Young Democratic Clubs of America.
National Center for Urban Ethnic Affairs.
National Council of Negro Women.

Memorandum • Government of the District of Columbia

TO: Judy Rogers
Legislative Program Coordinator

Department,
Agency, Office: Board of Elections

FROM: Norval E. Perkins *NEP*
Executive Secretary

Date: April 17, 1973

SUBJECT: S. 1435

Attached is a copy of the Board's comments on S. 1435.
We will be glad to discuss our suggestions with your
office at any time.

RESIDENCY REQUIREMENT FOR VOTING

Sec. 801(2), p. 65, line 25, provides for a 30-day residency for voting. The proposed amendments to the Election Act contained in H. R. 6713 would eliminate a durational residency requirement for voting.

MUNICIPAL ELECTIONS PARTISAN

Sec. 801(4), pp. 67-68, provides that the Delegate, Mayor and Council shall be nominated by a party primary election.

Although we recognize that there is a significant body of opinion in favor of partisan elections, the Board has concluded that in this particular case, the disadvantages of partisan municipal elections outweigh the advantages. Therefore, the Board strongly recommends that the elections for the Mayor and District Council be non-partisan elections, along with the Board of Education elections, for the following reasons:

1. If the municipal elections are held in odd-numbered years, as the Board recommends, it would provide for a logical separation of local from national, and partisan from non-partisan elections.

2. The provisions of the Hatch Act would create a hardship for the large number of Federal employees who would desire to participate in municipal elections, if those elections were partisan. A bill which is conferring the responsibilities of democratic citizenship on the residents of the District

should in no way work to obstruct participation by interested citizens in the democratic process. Therefore, the Board strongly recommends that the elections for the Mayor and District Council be "unHatched" elections.

3. The May election in a presidential election year, which already includes the Delegate primary, the presidential preference primary, and party elections for local committee members and National Committeeman and National Committeewoman, and alternates, is complex enough without the added burden of a primary to nominate the Mayor and the members of the District Council. This would be a burden not only on the Board from an administrative and counting standpoint, but also on the electorate from the standpoint of being informed and voting intelligently on the various issues.

FILING FEES

Sec. 801(4), p. 68, lines 24-25, p. 69, line 10, and p. 70, lines 20-21, provides for filing fees of \$100 for Delegate, Mayor, and Council.

P.L. 92-220, Amendments to the Election Act, passed December 23, 1971, eliminated all filing fees. The Board recommends against the provision for filing fees.

SIGNATURE REQUIREMENTS

Sec. 801(4), p. 68, lines 19-21, provides for signature requirements for the primary election for Delegate, Mayor, and Council of 1% of registered party members, or 2,000. This signature requirement is the same as that currently provided for the Delegate primary by the Election Act. However, the provision for direct nomination of Delegate, Mayor, or council in the general election does not conform to the provision of the Election Act. On p. 70, lines 16-19, the bill provides for a signature requirement for direct nomination of Delegate, Mayor, and Council member at large of 2% of the total registered voters or 5,000. The Election Act provides for a signature requirement of 1 1/2% or 3,000 for direct nomination of the Delegate. The provision for direct nomination in the bill should be amended to conform to the provision of the Election Act.

MUNICIPAL ELECTIONS IN EVEN-NUMBERED YEARS

Sec. 801(5), pp. 72-73: ". . . primary elections of each political party for the offices of Chairman of the Council and member of the Council (to be filled) shall be held on the first Tuesday in May of each even-numbered year, and general elections for such offices (to be filled) shall be held on the Tuesday next after the first Monday in November of each even-numbered year. . . .

. . . primary elections of each political party for the office of Mayor shall be held on the first Tuesday in May of each presidential election year, commencing with calendar year 1972, and the general election for such office shall be held on the Tuesday next after the first Monday in November of each presidential year. . . ."

The Board strongly recommends that elections for the Mayor and District Council be held during odd-numbered years along with the Board of Education elections for the following reasons:

1. Such an election schedule would logically separate local elections from national elections. The National Municipal League in its Model Election Administration System recommends just such a schedule when it says, "elections involving separate levels of government should be held on separate occasions, so far as is practicable," and "state elections should be separate from national elections."

2. Such a schedule would allow local issues to be stressed and explained to the electorate without their being overshadowed by national issues.

3. The recommended balanced election schedule would allow for a more reasonable staffing of the Board's offices.

It is essential to good election practices that the Board be able to develop a permanent, professional, and efficient staff.

4. The argument that presidential elections assure a higher turnout does not guarantee that the electorate will be well informed or vote more intelligently on local issues. On the contrary, it is likely to distract attention from local elections.

5. The long ballot which would result from the bill's proposed election schedule is more likely to confuse the voters. Studies have shown that when voters are faced with a long ballot the lesser offices are often forgotten and left unvoted. Both the National Municipal League and the President's Commission on Registration and Voting Participation recommend shortening the ballot wherever possible.

6. If the Mayor and Council races are combined with the Board of Education races, interest in the Mayor's race should assure a higher turnout than we have had in past Board of Education elections.

7. This schedule would separate partisan from non-partisan elections if the Mayor and Council elections were made to be non-partisan, as the Board recommends.

RUNOFFS

Sec. 801(6), pp. 73-74, provides for runoff elections to be held if no candidate for Delegate, Mayor, and Council receives at least 40% of the vote.

H.R. 6713, proposed amendments to the Election Act, would eliminate the runoff after both the Delegate primary and the general election for Delegate.

TECHNICAL MATTERS

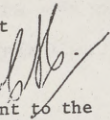
In Sec. 801(4), p. 67, line 13, the words "by the qualified electors of the District" and on line 25, the words "by the qualified electors of the ward of the District from which such individual was nominated" should be deleted. The effect of this language is to have all the qualified electors, rather than registered party members, voting in the party primaries.

Sec. 801(5), p. 73, which sets up election schedules, provides that elections for Mayor and Council shall commence in calendar year 1972. Since this bill has been introduced in 1973, the reference to the calendar year should be changed to 1974.

H.R. 6713 provides for certain other amendments to the Election Act, the most notable being moving petition filing deadlines from 45 days before the election to 60 days before, and moving related dates back by 15 days also. If these become law, then the pertinent section of S. 1435 should be changed to conform to the Election Act.

Memorandum • **Government of the District of Columbia**

TO: Judith Rogers
Legislative Unit

FROM: Comer S. Coppie 
Special Assistant to the
Mayor-Commissioner

SUBJECT: Comments on S. 1435 - To provide an elected Mayor and City Council
for the District and other purposes

Department, Executive Office
Agency, Office: Budget and Financial
Management

Date: **APR 17 1973**

The Office of Budget and Financial Management offers the attached comments on S. 1435, the home rule bill introduced by Senator Eagleton. Our comments focus on the financing and budgetary provisions of the proposed legislation.

Attachment

Comments of the Office of Budget and Financial Management
on S. 1435, To provide an elected Mayor and City Council
for the District of Columbia and for other purposes

Title I, Sec. 101(12). This section defines "District revenues" but does not state whether or not revenues from all special funds (e.g., Water Fund, Highway Fund) are included with General Fund revenues. This point will be addressed in the discussion of Title VI, the section in which the definition is used.

Title I, Sec. 101(17). The definition of "annual budget" is broad enough to provide the Mayor the authority he needs in developing the District's expenditure proposals. This section is an addition to last year's bill; it maintains the status quo with respect to the agencies included in the budget prepared by the Mayor. We approve of this definition.

Title III, Sec. 321. The District City Council and the Offices of the Commissioner and Assistant Commissioner are abolished, and all functions vested in those offices are to be carried out by the District Council and the Mayor in accordance with this Act. Regulatory functions are now vested in the Council. Section 325(a) of S. 1435 vests the legislative power in the District Council. Presumably, the bill leaves untouched the Council's responsibility in making rules and regulations.

This assignment of responsibility would generate a tremendous work load for the Council, which would have to carry out broad policy-making responsibilities through the legislative function while carrying out detailed regulation-making activities.

To correct this problem, the Act should provide for the Council to delegate responsibility for rule making to the Executive. With proper administrative controls and limits of authority, the Executive would be able to meet this responsibility effectively.

Title III, Sec. 325(d)(1). This section prohibits the Council from imposing a tax on the personal income of any individual not a resident of the District. We object in principle to this limitation of the District's authority to develop and implement its own program of taxation.

Title III, Sec. 325(f). This section establishes procedures for the passage and enactment of legislation by the District Government. It is not clear whether or not the term "act" as used in this section applies to the annual appropriations act (budget) for the city government. Application of this section to the budget process would be acceptable, provided that the timing limitations of Title V, Sec. 503, were observed, and that procedures were established for a line item veto. (See Title V, Sec. 503.)

Title III, Sec. 325(g). This section provides that acts of the District Council exercising functions not delegated to the city government by Reorganization Plan No. 3 of 1967 must be submitted to the Congress for review and approval. Would this provision apply to the annual budget, continuing resolutions, and supplemental budgets?

In general, this provision may be difficult to implement because of disputes over what bills must go to the Congress for approval. Since the Congress retains the right to enact any legislation it wishes concerning the District of Columbia, this provision seems unnecessary.

If the budget had to go to Congress, the District's authority over spending proposals would be threatened. The added time needed for Congressional review would throw off the budget cycle and would decrease the likelihood of the city's having an approved budget by the start of the fiscal year.

While the City Council and Commissioner now have the same types of budget responsibilities provided for in the Act, they do not have final appropriations authority. Therefore, it is not clear that Sec. 325(g) would apply to the budget bill. We would prefer that it didn't, of course.

Title III, Sec. 331(b). If the Mayor is only temporarily absent from the District, the City Administrator should be authorized to act in his stead. During more lengthy absences or periods of incapacity to act, the Council Chairman, because he is an elected official, should be authorized to act in the Mayor's stead.

Title V, Sec. 502(a). This section assigns the Mayor responsibility for preparing and submitting the annual budget and budget message. This section should also authorize the Mayor to submit supplemental budget requests.

Title V, Sec. 503. This section describes procedures for passage of the annual appropriations act for the District. While the general requirements of Title III, Sec. 325(f) can be applied to the budget, some provision must be made for a line-item veto by the Mayor of budget revisions voted by the Council. Sec. 403 of Reorganization Plan No. 3 of 1967 can serve as a model for the kind of veto process required. A major requirement is that, if the Council does not override a line item veto by the Mayor, the approved budget will reflect the Mayor's initial request for that item. This arrangement is now in effect under authority provided by Sec. 403(d) of the 1967 Reorganization Plan.

Title V, Sec. 506. This section gives the Mayor the authority to transfer funds, with the concurrence of the Council. The provision should set a time limit (15 days) for action by the Council. Provision should also be made for the Council to waive the requirement of concurrence for transfer below a certain amount to be agreed on by the Mayor and the Council.

Under the guidelines established by the Congress, the city must gain approval of operating fund transfers of more than \$25,000 and of all capital fund transfers.

Also, the Mayor must have the authority to make emergency reallocations of funds without prior Council approval; the section should be amended to provide this authority. The emergency clause of the Federal Anti-Deficiency Act could serve as a model.

Title V, Sec. 507. This section describes the accounting supervision and control responsibilities of the Mayor. Will the District Government continue to be required to comply with Federal procurement and expenditure regulations (e.g., the Anti-Deficiency Act)? The District should have the authority to establish its own requirements in this area; the city's procedures should be consistent with accepted accounting policies and practices.

Title V, Sec. 521(a). This section requires the District to reimburse the General Accounting Office for all GAO audits of the District Government. This cost should be assumed by the Federal government, since the GAO is a staff arm of the Congress.

Title V, Sec. 531(b). This section states that the United States shall reimburse the District for necessary expenses incurred in connection with "lawful assemblages, marches, and other demonstrations." This language should be broadened to include unlawful demonstrations and similar events.

Title VI. This title establishes a borrowing program for the District to use in financing its capital improvements program. We recommend that Part 1 of this Title be replaced by the District's own proposed bond legislation; a revised draft of the bill will be submitted to you this week. The section on bond authority should provide either for tax exemption status of the city bonds or for a Federal subsidy to the District to allow the city to set competitive interest rates on the bonds. Tax exempt status would be preferred because it would make the District comparable to other municipalities and would free us from dependency on the Treasury.

Specific problems with the provisions of S. 1435 are described here.

Section 601 limits indebtedness to 12 percent of the average of all District revenues for the preceding ten year period. Within this 12 percent limit, indebtedness for capital projects other than transit, highway, sewage, water, and self liquidating projects is limited to 6 percent of the ten year average.

In the District's bond proposal debt service was limited to 12 percent of the city's revenues. Clearly, limiting indebtedness to this amount would be intolerable.

Even if the section is changed to permit debt service rather than indebtedness to reach a maximum of 12 percent of revenues, the use of average, instead of current year, revenues would make it impossible to carry out the city's capital improvements program. A limit of 12 percent of current year revenues is needed to fund the current program, exclusive of higher education facilities, which would require an additional 2 percent. Use of a ten year average would reduce the permissible debt service by about 35 percent or \$40 million.

Another objectionable feature of the proposal is a requirement to submit all bond proposals that exceed 2 percent of the city's revenues to the electorate. Even if the change is made here to apply the limit to debt service rather than indebtedness, the District would be required to submit all future bond issues to the voters. This is an unduly cumbersome procedure. There would be merit to requiring any change in the 12 percent limit to be submitted to the voters, but this requirement should not specify, as the current bill does, that specific projects to be financed must be identified. It is ridiculous to tie the hands of the Council that tightly, in effect, giving them no latitude to undertake capital projects without voter approval of each project. With the magnitude of the city's capital program, it is unlikely that District (or any other) voters could be sufficiently well informed to make intelligent decisions at this level of detail.

Title IV, Sec. 631(a). This section gives the Council broad authority to provide for an additional tax on real and personal tangible property to pay principal and interest payments on District bonds. We recommend that this section be modified in two ways. First, the language should clearly indicate that the Council may levy a special tax, but that it is not required to do so. Also, the special tax should not be tied to the real and personal tangible property taxes. The Council should be able to draw on any revenue source available in financing principal and interest payments.

Title VII, Sec. 701(a). This section authorizes a Federal payment to the city. Subsequent sections indicate that this payment will be made to the General Fund. No mention is made of the current Federal payments to the Water Fund and the Sanitary Sewage Works Fund, which are made in lieu of charges for services provided to Federal facilities by the District Government. Authority for these two payments should be continued.

In addition, we recommend that authority be provided for a Federal payment to the Highway Fund. The Fund currently receives no payment from the Federal Government in lieu of charges for services provided by the District. For example, the Federal Government pays no registration fees or gasoline tax for its 4,000 to 5,000 vehicles based in the city.

Title VII, Sec. 701(b). This section establishes a formula for the Federal payment to the District. The Act sets the payment at 37.5 percent of revenues for fiscal 1974 and at 40 percent for fiscal 1975; these levels probably provide adequate sums for those two years. However, the District should press for a percentage as high as 45 percent for the future.

Title VII, Sec. 701(c). This section sets forth procedures for adjusting the Federal payment to reflect actual revenues collected by the District. The timing of payment of the adjustment amount needs to be clarified. Since actual revenues could not be determined until the end of the fiscal year, would the adjustment, if any, apply to that same fiscal year? What procedures would be used?

The following table shows how much the District would receive through fiscal 1978 under each percentage on the basis of current revenue estimates.

FY	Federal Payment (\$ millions)	
	37.5%	40%
1975	211.4	225.6
1976	227.4	237.2
1977	235.9	251.6
1978	248.6	265.2

Memorandum • Government of the District of Columbia

TO: Judith Rogers
Legislative Unit

Department, Executive Office
Agency, Office: Budget and Financial Management

FROM: Comer S. Coppie
Special Assistant to the
Mayor-Commissioner

Date: APR 20 1973

SUBJECT: Bond Legislation

Attached please find this office's recommendations for revisions in the District's 1971 Bond Legislation.

Two following major changes have been made:

1. Financing of the colleges. We have been told by OMB that they will not support additional Federal financing for the development of the city's college campuses since one of the program changes in the President's FY 1974 Budget is termination of financial aid for campus development. To provide for the development of the colleges, we propose increasing the debt service limit in Sec. 3(b) to 14%, instead of 12%.
2. Relationship to the Treasury. Sec. 5 has been modified to remove the option for the U. S. Treasury to return to the current arrangement. The bill would still allow the Treasury to purchase the city's bonds in order to reduce over-all interest costs. Under the new proposal, the Treasury would still be obligated to pay the interest rate subsidy to the city. Since Treasury rates are higher than the tax exempt rates that state and local governments receive, payment of the subsidy would be equitable.

As an alternative to the Treasury subsidy, the city could be given the right to issue tax exempt bonds. This could be done by deleting Sec. 5 and substituting the following language for Sec. 7:

Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

Allowing the District to issue tax exempt bonds would put the city in the same position as other state and local

governments and remove the necessity of being the only jurisdiction required to request an appropriation to receive a Federal subsidy for capital financing.

A BILL

To authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF
REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN
CONGRESS ASSEMBLED, That this Act may be cited as the
"District of Columbia Capital Program Financing Act
of 1974".

DEFINITIONS

Sec. 2. As used in this Act --

"Capital program obligations" means all
outstanding obligations incurred by the District
as a result of borrowing for capital outlay pro-
grams, but not including obligations incurred
pursuant to the authority contained in the
District of Columbia Stadium Act of 1957 (71
Stat. 619; D. C. Code, title 2, chapter 17,
subchapter II), in the District of Columbia
Redevelopment Act of 1945 (60 Stat. 790;
D. C. Code, sections 5-701 through 719), and

1 in the District of Columbia Alley Dwelling Act
 2 (48 Stat. 930), as amended (D.C. Code, sections
 3 5-103 through 5-116).

4 "Commissioner" means the Commissioner
 5 of the District.

6 "District" means the District of Columbia.

7 "District revenues" means all revenues
 8 derived from taxes, charges, and miscellaneous
 9 receipts, including all annual Federal payments
 10 to the District authorized by law *including payments under P.L. 92-512* (except payments
 11 pursuant to sections 5(a), 11(a), and 12(a)), but
 12 not including funds received by the District under
 13 any Federal grant-in-aid program.

14 "Secretary" means the Secretary of the
 15 Treasury.

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM OBLIGATIONS

16 Sec. 3. (a) The District is hereby authorized to provide
 17 for the payment of the cost of its various capital outlay programs
 18 by an issue or issues of negotiable obligations of the District,

1 bearing interest, payable annually or semiannually, at such
 2 rate or rates as the Commissioner may from time to time
 3 determine are necessary to make marketable each such issue
 4 of obligations. No obligation shall be issued which would cause
 5 the amount of principal and interest (as reduced by payments
 6 pursuant to section 5(c) and 11(a) required to be paid in any
 7 fiscal year on the aggregate amount of all outstanding capital
 8 program obligations to exceed ¹⁴⁹⁶ 12% of the District revenues
 9 which the Commissioner estimates will be credited to all
 10 funds of the District for such fiscal year.

11 (b) The District may reserve the right to redeem any or
 12 all of its obligations before maturity in such manner and at
 13 such price or prices as may be fixed by the Commissioner
 14 prior to the issuance of such obligations.

PURCHASE OF DISTRICT OBLIGATIONS BY THE SECRETARY

15 Sec. 4 (a) The Secretary is authorized and directed to
 16 purchase from the District all or part of any issue of its obli-
 17 gations whenever the Secretary determines such purchase is
 18 necessary in order to permit the District to make timely

1 payment of the principal and interest on any of its
 2 outstanding obligations. The Secretary is further
 3 authorized to purchase from the District all or any part
 4 of any proposed issue of its obligations whenever, ~~pursuant~~
 5 ~~to section 5(b), he determines that this is preferable to~~
 6 ~~to reduce the net effective interest expense.~~
 7 ~~Federal payment of the net effective interest expense thereof.~~

8 (b) For the purpose of purchasing obligations of the
 9 District ~~pursuant to subsection (a) or section 5(b)~~, as
 10 authorized in appropriation acts, and such authorizations may
 11 be without fiscal year limitation, the Secretary may use as
 12 a public debt transaction the proceeds of the sale of any
 13 securities hereafter issued under the Second Liberty Bond
 14 Act, as now or hereafter in force, are extended to include
 15 purchases of District obligations. Each purchase of
 16 obligations by the Secretary under this section shall be upon
 17 such terms and conditions as to yield a return at a rate not
 18 less than a rate determined by the Secretary, taking into
 19 consideration the current average yield on outstanding
 20 marketable obligations of the United States of comparable
 21 maturities. The Secretary may sell, upon such terms and
 22 conditions and at such price or prices as he shall determine,
 23 any of the obligations acquired by him under this section.
 24 All purchases and sales by the Secretary of such obligations
 25 under this section shall be treated as public debt
 transactions of the United States.

FEDERAL PAYMENT OF NET EFFECTIVE
INTEREST EXPENSE

1 Sec. 5. ~~(a)~~ Except as provided in subsection (b), the
2 Secretary is authorized and directed to make periodic payments
3 to the District, upon request therefor by the Commissioner, in
4 such amounts as may be necessary ~~(1)~~ to equal one-fourth of the
5 net effective interest expense, including fees, commissions and
6 other costs of issuance incurred by the District on its obligations,
7 ~~or (2) to equal the difference between the net effective interest~~
8 ~~expense incurred by the District on account of its obligations and~~
9 ~~the net effective interest expense which the District would have~~
10 ~~incurred had the interest rate on its obligations been equal to~~
11 ~~the interest rate on purchases by the Secretary pursuant to~~
12 ~~section 4, whichever is greater.~~

13 (b) The Commissioner shall, prior to making any request
14 of the Secretary as authorized by subsection (a), advise him as
15 to the net effective interest expense which the District expects
16 to incur with respect to the proposed issue of its obligations.
17 The Secretary shall, on the basis of such advice from the Commis-
18 sioner, determine whether to pay to the District the periodic
19 amounts determined as specified in clauses (1) or (2) of

1 subsection (a), or, in the alternative, to purchase from
 2 the District all or part of the proposed issue of its
 3 obligations as authorized in section 4.

INTERIM LOAN AUTHORITY

4 Sec. 6. (a) The Commissioner is authorized to accept
 5 loans for the District from the United States Treasury, and
 6 the Secretary is authorized to lend to the Commissioner, such
 7 sums as the Commissioner may determine are required to com-
 8 plete payments on capital outlay contracts which have been
 9 awarded not later than ninety days after the enactment of this
 10 Act. In addition, such loans shall include funds to pay the
 11 District's share of the cost of the Adopted Regional System
 12 specified in the National Capital Transportation Act of 1969
 13 through the fiscal year ending June 30, 197~~4~~.³

14 (b) In addition to the loan authority contained in sub-
 15 section (a), the Commissioner is authorized to accept loans
 16 for the District from the Treasury, and the Secretary is
 17 authorized to lend to the Commissioner, such sums as the
 18 Commissioner from time to time determines are necessary
 19 to provide for the continuation of work on any capital program
 20 project or projects, pending the sale of an issue of District
 21 obligations. Any such loan shall be for such term as may be

1 agreed upon by the Commissioner and the Secretary, but in no
2 event shall the term of any such loan extend for more than thirty
3 days beyond the date on which proceeds from the sale of the
4 District's obligations become available for the construction of
5 such project or projects.

6 (c) Loans advanced pursuant to this section during any
7 six-month period shall be at a rate of interest determined by the
8 Secretary as of the beginning of such period, which, in his judge-
9 ment, would reflect the cost of money to the Treasury for
10 borrowing at a maturity approximately equal to the period of time
11 the loan is outstanding.

12 (d) There are authorized to be appropriated such sums
13 as may be necessary to make loans under this section.

DISTRICT OBLIGATIONS SUBJECT TO TAXATION

14 Sec. 7. Notwithstanding the provisions of section 103
15 of the Internal Revenue Code (26 U.S.C., § 103), any and all
16 obligations issued by the District under the authority of this
17 Act shall be subject both as to principal and interest to District,
18 Federal, State, and local taxation to the same extent as the
19 obligations of private corporations are taxed.

DISTRICT OBLIGATIONS AS LAWFUL INVESTMENTS,
ACCEPTANCE AS SECURITY

1 Sec. 8. All obligations issued by the District under the
2 authority of this Act shall be lawful investments, and may be
3 accepted as security for fiduciary, trust, and public funds, the
4 investment or deposit of which shall be under authority or con-
5 trol of the United States or of any officer or officers thereof.
6 All obligations issued by the District pursuant to this Act
7 shall be deemed to be exempt securities within the meaning
8 of laws administered by the Securities and Exchange Commis-
9 sion, to the same extent as securities which are issued by the
10 United States.

DISTRICT OBLIGATIONS ELIGIBLE FOR
PURCHASE BY FINANCIAL INSTITUTIONS

11 Sec. 9. (a) The sixth sentence of the seventh paragraph
12 of section 5136 of the Revised Statutes, as amended (12 U. S. C.,
13 § 24), is amended by inserting ", or obligations of the District
14 of Columbia issued pursuant to the District of Columbia Capital
15 Program Financing Act of 1971," immediately following
16 "United States" where such term first appears in such sixth
17 sentence.

1 (b) Notwithstanding any other provision of law, any
 2 building association or building and loan association or any
 3 savings and loan association, incorporated or unincorporated,
 4 organized and operating under the laws of the District, or
 5 any Federal savings and loan association, may invest its funds
 6 in obligations of the District issued pursuant to this Act.

PERMANENT APPROPRIATION
 FOR FEDERAL PAYMENT OF
 NET EFFECTIVE INTEREST
 EXPENSE

7 Sec. 10. Section 3689 of the Revised Statutes, as
 8 amended (31 U.S.C. 711), is further amended by adding a new
 9 paragraph appropriating moneys for the purposes under the
 10 Treasury Department, to read as follows:

11 "Payments with respect to District of Columbia
 12 Obligations: For payments with respect to obligations
 13 of the District of Columbia pursuant to section 5(a)
 14 of the District of Columbia Capital Program Financing
 15 Act of 1971."

3

WATER POLLUTION

1 Sec. 11. (a) The Commissioner shall annually estimate
2 the amount of the District's principal and interest expense
3 which is required to service District obligations attributable
4 to the Maryland and Virginia pro rata share of District
5 sanitary sewage works and other water pollution projects
6 which provide service to the local jurisdictions in those
7 States. Such amounts as determined by the Commissioner
8 shall be used to exclude the Maryland and Virginia share
9 of pollution projects costs from the limitation on the
10 District's capital program obligations as provided in
11 section 3(a).

12 (b) The Commissioner shall enter into agreements
13 with the States and local jurisdictions concerned for annual
14 payments to the District of rates and charges for waste
15 treatment services in accordance with the use and bene-
16 fits made and derived from the operation of the said waste

1 treatment facilities. Each such agreement shall require
2 that the estimated amount of such rates and charges will
3 be paid in advance, subject to adjustment after each year.
4 Such rates and charges shall be sufficient to cover the
5 cost of construction, interest on capital, operation
6 and maintenance, and the necessary replacement of equipment
7 during the useful life of the facility.

FUNDS FOR DISTRICT INSTITUTIONS
OF HIGHER EDUCATION

8 Sec. 12. (a) In order to carry out the District's
9 capital programs for its institutions of higher
10 education, including those programs authorized by the
11 District of Columbia Public Education

1 . Act approved November 7, 1966 (Public Law 89-791; 80 Stat. 1426),
2 there is authorized to be appropriated Federal capital contributions
3 to the Commissioner in such amounts as may be necessary to defray
4 the cost of constructing projects which have been included in the
5 budget estimates for the District and approved by the Congress, in
6 making capital outlay appropriations to the District: Provided,
7 That such project or projects shall be included by the Commissioner
8 in the budget estimates of the Commissioner only after he has
9 approved an education program and financial plan for the Federal
10 City College and the Washington Technical Institute submitted to
11 him jointly by the Chairman of the Board of Higher Education and
12 the Chairman of the Board of Vocational Education. Such plan, to
13 be known as "The District of Columbia Higher Education Program
14 and Financial Plan", may be amended from time to time as appro-
15 priate and shall include the following--

16 (1) an estimate of the total cost of construction of
17 all proposed physical facilities, including construction
18 scheduling and annual capital cost requirements;

19 (2) estimates and projections of student body
20 enrollment;

1 (3) overall financial plans for operating expenses;

2 (4) admission policies as they may affect student
3 body enrollment levels;

4 (5) estimates of financial assistance for which
5 the District may qualify under various Federal
6 grant-in-aid programs; and

7 (6) such other information as the Commissioner
8 determines necessary to complete his review of
9 the Higher Education Program and Financial Plan.

10 In approving the Higher Education Program and Financial Plan
11 required by this section, the Commissioner may make such
12 modifications as he determines necessary in the interest of
13 economy and efficiency of the operations of the institutions of
14 higher education or of other agencies of the District, or the
15 Commissioner may disapprove such plan and return it, together
16 with his reasons for disapproval, to the respective institutions
17 for resubmission.

18 (b) There is authorized to be appropriated such sums as
19 may be necessary to carry out the purposes of subsection (a)
20 and of titles I and II of the District of Columbia Education Act.

1 (c) Title III of the District of Columbia Education Act
2 is repealed.

DISTRICT OF COLUMBIA CONTRIBUTIONS
TO THE WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY

3 Sec. 13. Notwithstanding any provision of law to the
4 contrary, beginning with fiscal year 1973 the District share of the
5 cost of the Adopted Regional System described in the National Capital
6 Transportation Act of 1969 (Public Law 91-143; 83 Stat. 320) shall
7 be payable from the proceeds of the sale of District obligations
8 issued pursuant to the authority contained in section 3 of this Act.

TERMINATION OF THE DISTRICT'S AUTHORITY
TO BORROW FROM THE TREASURY

9 Sec. 14 (a) The first section of the Act entitled "An Act to
10 authorize the Commissioners of the District of Columbia to borrow
11 funds for capital improvement programs and to amend provisions of
12 law relating to Federal Government participation in meeting costs
13 of maintaining the Nation's Capital City", approved June 6, 1958
14 (72 Stat. 183; D. C. Code, sec. 9-220), is amended by striking out
15 subsection (b), (c), (d), and (e).

16 (b) The Act entitled "An Act authorizing loans from the
17 United States Treasury for the expansion of the District of Columbia
18 water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec.
19 43-1540), is repealed.

20 (c) Title II of the Act entitled "An Act to authorize the
21 financing of a program of public works construction for the District
22 of Columbia, and for other purposes", approved May 18, 1954 (68 Stat.

*Additional language
to cover bus
acquisition?*

1 . 104), is amended by striking out sections 213, 214, 216, 217, and
2 218 (D. C. Code, sections 43,1612, 1613, 1615, 1616, and 1617),
3 authorizing loans from the United States Treasury for sanitary and
4 combined sewer systems of the District.

5 (d) Section 402 of title IV of such Act approved May 18,
6 1954 (68 Stat. 110; D.C. Code, sec. 7-133), authorizing loans from
7 the United States Treasury for the District of Columbia highway
8 construction program, is repealed.

9 (e) Nothing contained in this section shall be deemed to
10 relieve the District of its obligation to repay any loan made to
11 it under the authority of the Acts specified in the preceding
12 subsections, nor to preclude the District from using the unexpended
13 balance of any such loan appropriated to the District prior to the
14 effective date of this Act.

APPROPRIATIONS AUTHORIZED

15 Sec. 15. Appropriations to carry out the purposes of this
16 Act are authorized.

EFFECTIVE DATE

17 Sec. 16. This Act shall become effective on the date of
18 enactment.

SEPARABILITY

19 Sec. 17. If any provision of this Act or the application
20 thereof to any person or circumstance, is held invalid, the validity
21 of the remainder of the Act, and the application of such provisions to
22 other persons or circumstances, shall not be affected.

Memorandum **○** **Government of the District of Columbia**

TO: Judy Rogers
 Legislative Program Coordinator

Department, Environmental Services
Agency, Office:

FROM:

William C. McKinley
James P. Alexander, Director

Date: APR 23 1973

SUBJECT: S. 1435

As per request on your Memorandum of April 16, 1973, we have reviewed Sections 643 to 645. The following are our comments:

On Section 643, page 60, line 1 should read sanitary sewage water works . . . , in lieu of sanitary water works . . .

On Section 644, page 60, line 19 should read cost of reservoirs on Potomac River in lieu of cost of reservations on Potomac River.

Executive Office
D.C. Personnel

Judith Rogers,
Legislative Program
Coordinator

Donald H. Weinberg
Director of Personnel

April 17, 1973

Comments on S. 1435

This is in response to your request for comments on S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia and other purposes.

Section 332(a) provides for the appointment and compensation of the Council staff to be prescribed by the Council without regard to the provisions of the Act. We are opposed to this provision, inasmuch, as it allows a separate employment and compensation standard to be applied with respect to positions on the Council staff. We feel these positions should be governed by the same standards and requirements applicable to similar positions in the D.C. Government.

Section 402 describes the powers and duties of the Mayor but does not mention the veto power described in Section 325. We feel this section should make reference to the veto power vested in the Mayor under section 325 of the proposed legislation.

With respect to Section 325, it should be noted that a two-thirds vote of the Council members present is required to over-ride a veto, whereas Reorganization Plan #3 requires a three-fourths vote of the members present.

We agree with the proposal in Section 402 regarding the establishment of an independent personnel merit system(s) provided the intent of the Bill is to establish, by Council action, a merit system which will provide rights, benefits and privileges that will be equal or equivalent to those held by employees prior to establishing the new merit system, and also available to persons employed after the system is established.

The language used in describing the new system on page 35, specifically line 17, implies that continuation of the same or equal benefits is guaranteed only to those persons employed by the District Government immediately preceding the effective date of the new merit system, and that such benefits may not be applicable to persons employed subsequent to establishing the new system. We feel the language should be clarified to avoid any misinterpretation of this vital point.

We feel the language with respect to establishing the new merit system should also be modified to make it clear that such system will be developed by the Mayor and his staff and submitted to the Council for enactment. The section implies that the Council will "provide" or "establish" a merit system(s) independently without involvement on the part of the Mayor and further implies that the role of the Mayor is limited to administering the system(s) established by the Council.

Memorandum • Government of the District of Columbia

TO: Judith Rogers, Legislative Program Coordinator

Department, Executive Office
Agency, Office: Personnel

FROM: Donald H. Weinberg
Director of Personnel

Date: May 15, 1973

SUBJECT: Home Rule Bill Amendments

This is in response to your request for amended language to section 332 (a) of S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia. The proposed language would allow for reasonable flexibility in the terms of employment and compensation for the Council's staff but would provide for inclusion of these requirements under the terms of the District's independent personnel system. In our opinion, the vehicle used to legislate the District's Personnel system should establish a reasonable degree of uniformity with respect to pay and terms of employment within the D. C. Government. Such uniformity will not be readily achieved if segments of the D. C. Government are excluded from the legislative requirements applicable to other D. C. Government positions.

The following suggested language is therefore submitted for your consideration:

"The Council shall appoint a Secretary as its Chief Administrative Officer and such assistants and clerical personnel as may be necessary. The compensation and other terms of employment of such secretary, assistants and clerical personnel shall continue to be governed by existing provisions of law until such time as the Council enacts legislation establishing a District Government merit system as set forth in Section 402 (4). The provisions of the merit system shall include terms of employment and compensation for employees of the Council which are similar to those provisions applicable to other District employees including such exemptions provided therein as prescribed by the Council."

In addition to the above, we also expressed concern in our memorandum of April 17, 1973 regarding the provisions in section 402 (4), specifically line 11 through 25. We feel the Mayor and his staff should be responsible for developing the independent personnel system and for presenting the proposed system to the Council for approval and enactment. Moreover, the language in section 402 with respect to equality in pay and benefits implies that such equality is guaranteed only to persons employed by the District Government prior to the establishment of the independent personnel system. The following proposed language has been prepared in effort to clarify these issues and is submitted as a possible substitute of the language currently contained on page 35, line 11 through 25.

".... time as the Council shall, pursuant to this section, enact legislation establishing a District Government merit system or systems. The District Government merit system or systems shall be developed by the Mayor for presentation to the Council for concurrence and legislation enactment.] The system or systems may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District Governmentpersonnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits all at least equal to those provided by legislation enacted by Congress for employees under the Federal Civil Service System."

We appreciate the opportunity to comment on this proposed legislation and if additional information is needed please contact my office.

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