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THE GEORGE WASHINGTON UNIVERSITY CHARTER
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HEARING AND MARKUP

BEFORE THE

SUBCOMMITTEE ON JUDICIARY

OF THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

H.R. 15501

TO AMEND THE ACT OF FEBRUARY 9, 1821, TO RESTATE THE
CHARTER OF THE GEORGE WASHINGTON UNIVERSITY

SEPTEMBER 14, 1976

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3. The third part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

4. The fourth part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

SUBCOMMITTEE HEARING AND MARKUP OF H.R. 15501, TO AMEND THE GEORGE WASHINGTON UNIVERSITY CHARTER

TUESDAY, SEPTEMBER 14, 1976

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

The subcommittee met, pursuant to notice, at 9:02 a.m., in room 1310, Longworth House Office Building, Hon. James R. Mann, presiding.

Present: Representative Mann, Delegate Fauntroy, and Representative Biester.

Also present: Chris Nolde, subcommittee counsel; Stuart Jones, subcommittee minority staff; James T. Clark, legislative counsel, and Mark Mathis, minority counsel.

Mr. MANN. The subcommittee will come to order.

This morning the Subcommittee on the Judiciary is meeting for testimony and markup of H.R. 15501, a bill to amend the act of February 9, 1821, to restate the charter of The George Washington University.

[The bill referred to follows:]

[H.R. 15501, 94th Cong., 2d sess. by Mr. Fisher et al. on Sept. 9, 1976]

A BILL To amend the Act of February 9, 1821, to restate the charter of the George Washington University

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An Act to incorporate the Columbia College in the District of Columbia", approved February 9, 1821 (6 Stat. 255), as amended and supplemented, is amended to read as follows:

"ESTABLISHMENT

"SECTION 1. There is established in the District of Columbia the George Washington University (hereafter in this Act referred to as the 'university') as a university and a body corporate which shall have perpetual succession.

"PURPOSES

"SEC. 2. The purposes of the university are—

"(1) to educate individuals in liberal arts, languages, sciences, learned professions, and other courses and subjects of study,

"(2) to conduct scholarly research and publish the findings of such research,

"(3) to operate hospital and medical facilities, and

"(4) to engage in any activity incidental to the foregoing purposes.

Such purposes shall be accomplished without regard to the race, color, creed, sex, or national origin of any individual.

"POWERS

"SEC. 3. In order to carry out the purposes of the university, the university may—

"(1) grant or confer academic and honorary degrees, diplomas, and certificates under the seal of the university,

"(2) establish any school, division, or department of learning to become a part of the university,

"(3) receive, invest, and administer any gift or endowment of money or real or personal property,

"(4) borrow money, with or without any security for repayment, at rates of interest determined by the board of trustees of the university without regard to the restrictions of any usury law, but may not plead any usury law as a defense in any action,

"(5) enter into any agreement with any institution of learning for the purpose of providing to students registered at such institution the educational facilities of the university and the facilities of any agency of the United States available to the university,

"(6) exercise all powers described in section 5 of the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1005) on the date of the enactment of this Act and not inconsistent with the purposes of the university, and

"(7) exercise all powers necessary, incidental, or convenient to the conduct of the purposes, business, and affairs of the university.

"BOARD OF TRUSTEES

"SEC. 4. (a) The management, direction, and government of the university shall be vested in a board of trustees (hereafter in this Act referred to as the 'board'). The bylaws of the university shall provide for the election, number, term of office, residency requirements, qualifications, manner of election, filling of vacancies, and removal of members of the board. The bylaws may provide that members of the board be elected to terms of office commencing on different dates. The bylaws shall provide for appointment of an executive committee and other committees composed of members of the board with any power and authority, including any power and authority of the board, provided for in the bylaws of the university.

"(b) Each individual who is a member of the board on the date of the enactment of this Act shall continue to serve as a member until the membership termination date applicable to such individual.

"(c) No bylaw of the university which establishes qualifications for membership on the board may permit any individual (except the president of the university) to serve as a member of the board during the period in which the individual is serving as an officer, professor, lecturer, teacher, tutor, or employee of the university.

"AUTHORITY OF THE BOARD OF TRUSTEES

"SEC. 5. (a) The board shall be responsible for the exercise of all powers and the discharge of all duties of the university in a manner consistent with this Act, shall have full authority over all personnel and activities of the university, and may appoint or elect any person to serve as an officer, professor, lecturer, teacher, tutor, agent, or employee of the university. Any person so appointed or elected may be removed by the board.

"(b) The board may, by a vote of two-thirds of the individuals then serving as members of the board, adopt, amend, or repeal any bylaw of the university for—

"(1) the conduct of the purposes, business, and affairs of the university, or

"(2) the regulation of the internal government of the university.

"(c) The board may, by a vote of two-thirds of the individuals then serving as members of the board, vote to merge with any other nonprofit organization."

SEC. 2. The amendments made by the first section of this Act constitute a complete restatement of the charter of the university and supersede all prior charter provisions contained in the Act of February 9, 1821 (6 Stat. 255) and all amendments and supplements thereto, without disturbing the present and continuing corporate status of the university.

Mr. MANN. Our witness this morning will be Dr. Lloyd Elliott, president of The George Washington University, who will testify as to the need for updating the university's charter.

Dr. Elliott has had an outstanding career as an educator particularly in the field of higher education. Dr. Elliott was born in West Virginia, received his A.B. in English from Glennville State College, his masters from the University of West Virginia, and his doctorate in education from the University of Colorado.

He taught in, and became principal of, a West Virginia county public school system, and later became assistant superintendent of schools for Boulder, Colo. Subsequently, Dr. Elliott held various teaching and administrative positions at Cornell University.

He was appointed president of the University of Maine in 1958, and has been present of George Washington University from 1965 to date.

Dr. Elliott has been recognized for enhancing the prestige, building facilities, and academic excellence of both these fine universities. He had received numerous honors and awards. Dr. Elliott, as a distinguished educator and administrator, we are pleased to have you here this morning.

You may begin your presentation and introduce the gentlemen accompanying you.

STATEMENTS OF DR. LLOYD ELLIOTT, PRESIDENT, GEORGE WASHINGTON UNIVERSITY, ACCOMPANIED BY ELWOOD DAVIS, ESQ., COUNSEL

Dr. LLOYD. Thank you, Mr. Chairman. I would like to introduce Mr. Elwood Davis, chief counsel to the university and ask him to join me.

I would like to make a brief statement on behalf of the legislation which is before you. On September 9, 1976, Congressman Fisher for himself, Mr. Fauntroy, Mr. Gude, Mr. Harris, and Mrs. Spellman, introduced H.R. 15501. As its object, the complete restatement of The George Washington University Charter so as to provide the university with a more adequate and flexible modern corporate charter.

The Congress of the United States on February 9, 1821, enacted the initial statute, which created the major national university in the Nation's capital, now known as The George Washington University. In 1821, the university was known as Columbian College. On January 23, 1904, the name was changed to The George Washington University.

The original charter was amended eight times—1871, 1873, 1878, 1893, 1898, 1905 and 1970.

As stated, the primary purpose of H.R. 15501 is to confer upon the governing body of the university a modern comprehensive charter. For example, the present charter requires that the majority of the members of the board of trustees be residents of the District of Columbia.

It is in the interest of the university that the best qualified trustees be elected without regard to their place of residence. Section 4(a) of the bill provides in part that the bylaws of the university shall provide for residency requirements of trustees. The change is consistent with general corporate laws, including that of the District of Columbia, which do not require trustees of nonprofit corporations to be residents of any particular jurisdiction.

The D.C. Code is cited as a reference (D.C. Code, Tit 29, Sec. 1018 (1973 Ed.)).

This bill also accomplishes the university's wishes to preserve the longstanding and important historical significance of the university's status as a national university organized in 1821 by an act of Congress of the United States.

The basic overall changes contained in H.R. 15501 are to consolidate the original charter and all amendments into a single, simple document and to provide sufficient flexibility so that the university's normal processes of change may be accomplished without any foreseeable need for future legislative action. If H.R. 15501 had been the university's original charter, then none of the eight amendments to the act of 1821 would have been required.

Thank you for this opportunity to appear before you.

Obviously I would be happy to answer any questions which you may have.

Mr. MANN. Thank you very much, Dr. Elliott. I have studied H.R. 15501 and agree with your suggestions that it provides sufficient flexibility to meet most of the contingencies of a modern university.

As you know, the considerations for selecting trustees, for example, are very, very many. The expertise and the prestige and the many influences that go into the problem of survival of an independent institution become just as important as residency.

I also commend you and your staff and all of those involved in producing a concise charter. I understand that one or two proposals were perhaps not quite as concise.

Dr. ELLIOTT. We are indebted to the members of the staff of the committee for helping in this. Being academicians, we do tend to become long winded. We appreciate your help.

Mr. MANN. It has been our experience that increased verbiage leads to increased restrictions. So I think maybe we have achieved the proper balance here.

Mr. DAVIS. Mr. Chairman, I just noticed this morning that in section 1, line 9 of the bill, we have "the" with a small "t" and in our name it has always been capitalized. That was a typo.

Mr. MANN. How about in the title?

Mr. DAVIS. And in the title of the bill. If that one correction could be noted?

Mr. MANN. Without objection, those corrections will be made. The Chair is pleased to present and recognize for any statement he may wish to make the Honorable Walter Fauntroy.

STATEMENT OF DELEGATE FAUNTROY

Mr. FAUNTROY. Thank you, Mr. Chairman.

I appreciate the testimony which has been presented by Dr. Elliott. I have no reason to oppose this bill. I certainly recognize the need for an institution of the caliber of George Washington University having a modern, comprehensive charter.

I do understand the need for universities to be able to attract trustees with some affluence. Until we can turn around the degree to which the money made in the District of Columbia stays here and the money which is taken out is taxed, I can certainly understand the need to expand the residency basis.

I hope that the expansion outward would also mean an expansion inward in terms of increased opportunities for higher education afforded young people of the District of Columbia. If there are any concern I have about the measure, it would be to satisfy myself and my constituents that that is certainly the case.

I want to thank you for coming.

Mr. Chairman, I look forward to supporting the measure.

Mr. MANN. Thank you, Mr. Fauntroy.

Dr. ELLIOTT. I want to thank you, Mr. Fauntroy, for your help and your support. We are doing a number of things and we hope to expand that program for just the objective you have mentioned.

Mr. MANN. We also have with us this morning Mr. Biester of Pennsylvania. Do you have any comments?

Mr. BIESTER. Thank you, Mr. Chairman. I probably have a conflict of interest in this measure. First of all, the trustees might come from Pennsylvania. But there is not that much money in Pennsylvania, I might say, to the delegate from the District.

The second conflict of interest is that while we have lived in Washington, my wife has been a student at George Washington University, studying anthropology and learning too much.

Your courses of study so stimulated her interest that she will pursue further studies in that area. Her experience with the university was excellent except for two things—parking, and I don't see any reference to that in the charter, and grades.

She got one A minus. All the rest were A's.

Dr. ELLIOTT. Thank you, Mr. Biester.

Mr. MANN. Thank you very much, gentlemen. Congressman Joe Fisher of Virginia, the principal sponsor of H.R. 15501, was unable to be present for the hearing this morning but he has submitted a statement in support of the bill.

Without objection, his statement shall be made part of the record of this hearing.

[The statement referred to follows:]

STATEMENT OF CONGRESSMAN JOSEPH L. FISHER, TENTH DISTRICT, VIRGINIA

Mr. Chairman, I was pleased to be the prime sponsor of H.R. 15501, a bill to amend and restate the charter of George Washington University. Before I came to Congress I taught courses at the university and was always very proud of my association with it. This bill will enable the university to continue on the path of excellence and improvement.

Principally H.R. 15501 consolidates acts of Congress passed over the last century and a half into a new, clarified and improved charter with the necessary flexibility. The university has had an extensive building program in the last few years. That is the external sign of change, growth, and striving for betterment. A modernized charter will be an internal symbol of the same process.

In my discussions of the charter with President Lloyd Elliott, I have been impressed by the value that George Washington University places on its congressional charter. The nature of the charter underlines the national role to which the university aspires. Also the university is an important resource for the Washington metropolitan area. This fact was recognized by the four area Members who joined me in sponsoring this bill.

I know that the subcommittee staff, my staff, and counsel to the university have worked to make this bill what it should be and I hope that this work will pay off with speedy passage this year.

Mr. MANN. Are there any other witnesses in the hearing room who desire to be heard on this bill?

[No response.]

Mr. MANN. If not, the committee is prepared to proceed to markup and the Chair will entertain any amendments, or failing any amendments, a motion to report the bill to the full committee.

Mr. FAUNTROY. Mr. Chairman, I move that we report H.R. 15501 favorably to the full committee.

Mr. MANN. Any discussion?

[No response.]

Mr. MANN. Those in favor, signify by saying aye.

[Chorus of ayes.]

Mr. MANN. Opposed?

[No response.]

Mr. MANN. The ayes have it and it is so ordered. The bill will be reported favorably to the full Committee.

Mr. DAVIS. I want to thank you. I know you are up against a tight schedule, but we are hopeful that it can be acted upon before the end of this session.

Mr. MANN. Thank you very much, gentlemen.

We stand adjourned.

[Whereupon, at 9:15 a.m., the subcommittee adjourned subject to call of the Chair.]

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