GOVERNANCE OF THE NATION'S CAPITAL:
A SUMMARY HISTORY OF THE FORMS
AND POWERS OF LOCAL GOVERNMENT
FOR THE DISTRICT OF COLUMBIA, 1790 TO
1973

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(II)

PREPARED FOR THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE DISTRICT OF COLUMBIA

This committee print was researched and prepared by Joan T. Thornell, who was retained for this purpose. She had assistance from other staff of the Committee on the District of Columbia.

July 1990.

*This report has been prepared at the request of Representative Ronald V. Dellums, chairman, House Committee on the District of Columbia. It is a staff study which has been approved by the members of the committee as a committee print.

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PREFACE

After the observance of the bicentennial of the Congress during its 100th session and the current observance of the bicentennial of the founding of the District of Columbia as the Nation’s Capital (by the "Act of Residence" law signed by President George Washington on July 16, 1790), the Committee on the District of Columbia of the House of Representatives has found it fitting to report on the history of the Nation’s Capital in a summary which provides descriptions of the forms and powers of the government from its beginning through its last major change—the passage of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the “Home Rule” Act), resulting in the elected mayor/council form of government which is its present form.

This report is organized in a manner chosen to highlight first the most comprehensive study of the government of the District of Columbia which was conducted by the Commission on the Organization of the Government of the District of Columbia (the Nelsen Commission) from 1970–72, followed by an account of the results of extensive congressional debate concerning the forms and powers of the government leading up to the passage of the Home Rule Act in 1973. Thereafter, the report goes back to the beginning of the District of Columbia’s history. This latter section discusses the city’s authorized establishment under the U.S. Constitution in 1787 and follows through to the end of the three-commissioner form of government which was abolished by President Lyndon Johnson in 1967, resulting in the appointed single commissioner/council form.

The emphasis on the most recent and significant change in the government of the Nation’s Capital, the Home Rule Act, and those factors leading up to it, followed by a review of the earlier history, puts more focus on how the Congress has carried out its constitutional mandate “... to exercise exclusive legislation in all cases whatsoever over such District ...” over the past 200 years, and the challenges that mandate presents today.

At the chairman’s request, this report was prepared by Joan Talbert Thornell. Our thanks to Mrs. Thornell for her fine work and dedication to completion of a most thorough, readable history. Special acknowledgement should be given to the following people: Dietra L. Ford, senior staff associate, who saw the need for such a
report and guided its preparation; to Adam Shear, the committee's summer intern, for his assistance and attention to detail; and to Linda White of the committee's secretarial staff. In addition, we benefited from the advice of Nelson Rimensnyder, staff assistant, and Dale MacIver, senior staff counsel.

Edward C. Sylvester, Jr.,
Staff Director.

Committee on the District of Columbia
U.S. House of Representatives
101st Congress

July 16, 1990
INTRODUCTION

To trace the story of the founding and development of the city designated the Nation's Capital is to gain an understanding of the complexities of governance itself. And, more specifically, the answer to the question, "Who governs?" reveals the thread running through the District of Columbia's history that was implanted in the Nation's premier document, the U.S. Constitution, in 1787. Congressional control of the Capital City was mandated in article I, section 8, paragraph 17:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by the cession of particular States, and the acceptance of Congress, become the seat of government of the United States * * *

Therefore, throughout its history, the District of Columbia government has been changed, studied, supported, criticized, financed, debated, expanded, and reorganized—but all under the control of the U.S. Congress.

The District of Columbia is viewed by many as the city belonging to all the people of the Nation—not just the residents of Washington. And the representatives of all the people of the Nation—the Congress—take their responsibility with the utmost seriousness. So much so that time after time in its review of the governance of the city, the Members of Congress have been of a divided mind about their decisions affecting the city and its residents, but never about their ultimate responsibility.

In this survey, the initial sections are concerned with recent history, beginning with the most far-reaching study conducted on the structure and functioning of the city—the work of the Commission on the Organization of the Government of the District of Columbia (known as the Nelsen Commission after U.S. Representative Ancel Nelsen, its Chairman) from 1970-72. The Nelsen Commission began its deliberations soon after the founding of the new government which was led by a Presidentially appointed single commissioner and a nine-member council. In 1967, this form replaced the three-commissioner form which had been in existence since 1874, a period of 93 years. On the heels of the Nelsen Commission's report recommendations in 1972, the House of Representatives Committee on the District of Columbia, under the chairmanship of Representative Charles Diggs, conducted extensive hearings and initiated legislation which culminated in the passage of the District of Columbia Self-Government and Governmental Reorganization Act of 1973. Known as the Home Rule Act, it provided for the election of a mayor and a 13-member council, the present form of government.
Turning back to the city's beginnings, this study includes a review of the District of Columbia's history from the site selection by President George Washington in 1790 under authority granted him by the Congress, to its incorporation in 1802 by congressional statute. Thereafter, the city government was expanded in 1812. And in 1820, the first popular election of government officials, a mayor and board of aldermen, along with a board of common council, was approved by the Congress. For the next 51 years, the election of local government officials, executive and legislative, continued.

However, in 1871, in an aim to unify the several jurisdictions of the area, a territorial government was created consisting of a Presidentially appointed governor and upper house of a bicameral legislature, the lower house of which was elected by District voters. Also, appointed by the President was a board of public works, which began an ambitious program of capital improvements which bankrupted the burgeoning city (Shepherd’s folly), causing the Congress to restructure radically the territorial government. In reaction there was a Presidentially appointed government of three-commissioners, temporarily established in 1874 and made permanent upon the recommendation of a joint committee of the Senate and the House of Representatives in 1878.

Until 1967, when President Johnson sent his Reorganization Plan 3 to the Congress establishing a commissioner/council form of government, the executive and the legislative functions and powers of the District government were not separated. After congressional defeat of a disapproval resolution of the reorganization plan on August 11, 1967, the executive and legislative functions and powers were separated. Thus began the series of important congressional steps which led to home rule and citizens' voting in 1974 to elect a mayor/council government—the form of government still in existence.

Ronald V. Dellums, Chairman.

July 16, 1990.
I. The Government of the District Through 1874

A. Establishing the Nation's Capital, 1787-1801

After many bouts of intense debate among the States from 1783 to 1787, the constitutional convention decided in 1787 to provide for a national capital which would be under the control of the Federal Government. Article I, section 8, paragraph 17 of the United States Constitution reads:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by the cession of particular States, and the acceptance of the Congress, become the seat of government of the United States * * * 53

Once congressional authority was designated, the matter of location had to be decided. A general agreement was reached that the seat of government should no longer be Philadelphia. (In 1783 that city had not protected the Congress; the local militia refused to act when the Continental Army threatened Congress' safety, demanding back pay.)

Though there was sectional rivalry, it was decided that the locale should be no further north than New York nor further south than Virginia. In 1790, Thomas Jefferson reached a compromise with Alexander Hamilton over the issue of Revolutionary War debts. The debt issue was resolved in favor of the Northern States in exchange for locating the Capital in the South, at Georgetown on the Potomac.

The Congress in 1790 authorized the President to appoint three commissioners to fix the exact location of the capital under legislation that established it on the Potomac River between the mouths of the eastern branch and Connogochegue. President Washington, by proclamation, established the boundaries of the District in 1791, after Maryland and Virginia each ceded land along the Potomac.

In 1800, the Federal Government moved from Philadelphia to its permanent location in Washington. Congress' Organic Act of 1801 (2 Stat. 103) established the District of Columbia, a 100-square-mile area, designed by Major Pierre Charles L'Enfant. It was comprised of five units of local government: the county of Washington, the city of Washington, the city of Georgetown, the county of Alexandria, and city of Alexandria. The respective laws of Maryland and Virginia continued in force in the areas they had ceded, while certain political jurisdictions were established within the District, along with a judicial structure.
B. THE FIRST GOVERNMENT OF THE CITY OF WASHINGTON, 1802

On May 3, 1802, Congress passed an act (2 Stat. 195) incorporating the city of Washington, creating the first government of the new city. Under its charter there was provision for an annually elected 12-member bicameral city council, seven of whom selected five members of an upper body. The President of the United States was authorized to appoint a Mayor each year and, in addition, a superintendent to oversee the physical development of the city. The new city government replaced the three-member commission which had established the city.53

The Mayor was required to be a resident of the city. He had the power to appoint all offices under the corporation as well as the authority to approve all legislation of the council. His veto of their acts could be overridden by a three-fourths vote of the council.

The first Mayor of the city of Washington, appointed by President Thomas Jefferson, was Robert Brent. He enjoyed a period of service extending to 1812 during which he established the first public school, founded an organization devoted to the promotion of the arts and sciences, and annually proposed to Congress, without success, the financing of capital improvements for the city.54

At that time, the cities of Georgetown and Alexandria continued under separate charters, and the counties of Alexandria and Washington functioned as independent entities.

Under its charter the city could sue and be sued and had the power and authority to: pass bylaws and ordinances; lay and collect taxes; prevent and remove nuisances; license and regulate certain businesses; establish and repair the infrastructure; and impose fines, penalties and forfeitures for breaches of ordinances.

In 1808, the U.S. House of Representatives Committee on the District of Columbia became a standing committee of the House, exercising its legislative and oversight powers over the local government.

C. CHARTER AMENDMENT IN 1812

The Washington city charter was amended in 1812 (2 Stat. 721) to expand the size of the government. The amendment provided for a board of aldermen of eight members, two from each of four wards, elected for 2 years; a board of common council was composed of 12 members, three from each ward, elected for 1 year. The Mayor was elected by a vote of both bodies, rather than appointed by the President. He in turn appointed all officers of the corporation with the consent of the majority of both boards.55

The powers of the government included those under the act of 1802 with the additional powers to: tax particular sections of the city for improvements; establish public facilities and collect taxes to cover their costs; and occupy and improve certain public and open spaces of the city with the President’s consent.

D. 1820, FIRST MAYORAL ELECTION BY POPULAR VOTE

On May 15, 1820, the Congress enacted a law (3 Stat. 583) providing for the popular election of a mayor for a 2-year term; a two-member board of aldermen elected every 2 years; and a three-member board of common council elected for 1 year.68
Legislation by the board of aldermen and the board of common council was sent to the Mayor for his approval or veto. A two-thirds vote of both boards could override a mayoral veto.

The government was granted expanded powers to: (1) collect personal and real property taxes (with a limitation imposed on real taxes); (2) establish a board of health and regulate the preservation of health of the city; (3) license and regulate certain businesses; (4) erect and repair the infrastructure; (5) impose and regulate fines, penalties and forfeitures for breaches of laws and ordinances; (6) tax portions of the city to pay for local improvements; (7) establish, endow, and provide leadership for public schools; (8) assign and collect taxes for the erection of public buildings; and (9) with the consent of the President, occupy and improve portions of public land as well as construct bridges and other capital improvements.

Virginia requested retrocession from the District of Columbia in 1846 for the portion it had ceded on the grounds that the part of the city on its side of the Potomac was bearing an economic burden while Washington was thriving. Congress granted the retrocession after a referendum on the matter passed in Virginia, thus leaving the cities of Georgetown and Washington as separate bodies and reducing the area of Washington by one-third.

In 1848 there were additions to the structure of the government—a board of assessors and a register, collector, and surveyor of the city, all elected for 2-year terms. At this time there was also an expanded authority to tax, including taxation of stocks, bonds, mortgages—i.e., all public and private properties; and private bankers and brokers. Other governmental powers were granted to license, tax and regulate livery stables, wholesale and retail dealers, insurance companies and nonresident merchants and traders. A general school tax was imposed and rates were established for cabs. Authority was granted for legislation involving personal safety and decorum, the preservation of order, and the protection of public and private property, including the razing of dangerous buildings. Also promulgated under the 1848 revision was the requirement of two-thirds vote of the citizens in order for the government to borrow money.

Until 1861, three separate and uncoordinated bodies governed the area—the county of Washington, the city of Washington, and the city of Georgetown. At that time, the pressures to adopt a unified government influenced the Congress to establish the Metropolitan Police District of the District of Columbia to enforce laws over the territory whose population had grown by 75 percent between 1860 and 1870.

The Civil War and the reconstruction period following the war focused attention on the issue of voting rights for blacks. The cities of Washington and Georgetown each held a referendum to determine if the franchise should be extended to “the colored population.” White males, at least 21 years old who were residents of Georgetown or Washington were the only qualified electors until 1866. The referendum was defeated in each city, but Congress amended their charters to include black enfranchisement, overriding a veto by President Andrew Johnson.
E. BLACK ENFRANCHISEMENT

Black men voted for the first time in the Georgetown election in February 1867 and the Washington election of June 1867. There were no black candidates at that time. However, in June 1868, two blacks were elected to the Washington City Council—John F. Cook, Jr. and Carter A. Stewart. In the following year Reverend Anthony Bowen was elected to the board of alderman of the city of Washington and in 1870 was elected to the 7th ward seat on the city council. An additional seven blacks gained seats on the Washington City Council, one from each of seven wards of the city; Carter A. Stewart was reelected. From 1869 through 1870, 8 of 21 council seats were held by blacks who introduced legislative measures concerning equal access of all D.C. citizens to places of amusement or public entertainment as well as to hotels, restaurants, taverns and saloons.57

F. TERRITORIAL FORM OF GOVERNMENT, 1871-74

Congress revoked the charters of the city of Washington and the city of Georgetown in 1871, creating one municipal government, the District of Columbia, which included the county of Washington (16 Stat. 419). The new entity was a territory rather than a State because it was under the control of the Congress, which, in turn, gave the President the power to appoint the city’s leadership with the advice and consent of the Senate.

The Governor, appointed for a 4-year term, and an 11-member council (upper chamber) with 2-year terms, were appointees of the President with the advice and consent of the Senate. There was also a 22-member house of delegates (lower chamber) which was elected by the voters from 22 districts.

The power and authority granted under the territorial system included:

—Governor’s right to approve all legislation; his veto could be overridden by two-thirds vote of both chambers of the legislature;
—Congressional repeal or modification of all legislative acts;
—Taxing authority of nonresidents restricted to the same limits as residents;
—Special taxes for certain local improvements;
—Legislative assembly vote of two-thirds required to borrow money;
—Duty of the legislative assembly to provide free schools;
—Legislative assembly could provide for the appointment of justices of the peace and legislate concerning the acts of the courts and confer increased jurisdiction.58

The President also appointed a secretary, whose duty was to record and preserve the laws and act for the Governor in his absence. A five-member board of health appointed by the President was also created at this time.
Another provision under the 1871 law was for the election of the first nonvoting Delegate to the U.S. House of Representatives. Representative Norton P. Chipman, a patent attorney, served briefly as the first secretary to the territorial government of the District of Columbia, appointed by President Grant. He was chosen by the D.C. Republican Central Committee as their candidate for D.C. Delegate over Frederick Douglass, the famous black abolitionist, who later supported his election to the House of Representatives. Among his achievements, Delegate Chipman encouraged the financing of public education for black students in 1873 and proposed a well-defined policy of Federal payments to the District of Columbia. Representative Chipman was reelected in 1873 and served until the authority for his office expired in 1875.

The historically significant feature of the territorial government, however, was the creation of the board of public works which proved to be its downfall. The board was composed of: a chairman, the Governor, and four additional members—three-citizen members and one civil engineer—all appointed by the President with the advice and consent of the Senate. The board’s charge was to conduct capital improvements to the growing city which had few paved streets, and poor drainage and sewer facilities, among other physical deficiencies. During a 3-year period of extensive construction activity, the board, headed by Alexander R. Shepherd, spent over $20 million, thereby bankrupting the city.

In response, the Congress chose two Senators and five Members of the House to serve on the Joint Select Committee to Inquire into the Affairs of the Government of the District of Columbia. They recommended the creation of an interim form of government. Its Governor, secretary, assembly, board of public works, and U.S. Delegate were abolished. (18 Stat. 116) District residents lost the right of suffrage in any form; the Federal Government took complete control of the District of Columbia in 1874.

II. THE THREE COMMISSIONER FORM OF GOVERNMENT

A. ESTABLISHMENT OF THE THREE COMMISSIONER FORM

The interim three-commissioner form of government established in 1874 was made permanent after the deliberations of a congressionally appointed Joint Select Committee to Frame a Government for the District of Columbia which issued its report in December, 1876. The Congress acted on its majority report in 1878. A minority report was issued in 1877 recommending that the District of Columbia should enjoy the same suffrage as other forms of local government in the Nation. The majority prevailed, and the Presidential appointment of the three-commissioner form went into effect.

The organic law creating the new structure (20 Stat. 102, June 1878) was a compromise of two bills, one each from the Senate and the House. In conference, it was decided that there would be no election of a city council (House version) nor a nonvoting Delegate to the House (Senate version). Of the three Presidential appointees, one was to be drawn from the U.S. Army Corps of Engineers and serve as the construction manager of the District, overseeing its physical development.
The President continued to appoint three commissioners, many of whom were not District residents, to govern the city for the next 100 years.

While the three-commissioner form of government expanded, it was evident that its growth was patternless and unwieldy. From time to time, therefore, studies were conducted to determine how to make it work better or whether or not it was organized in the most effective form.

B. DIGEST OF SELECTED STUDIES AND HEARINGS ON D.C. GOVERNANCE, 1903–39

The efficacy of the District government was the subject of numerous studies and hearings, within and outside the Congress, during the first half of the twentieth century while its form remained the same. The government of the Nation’s Capital was examined repeatedly with an eye toward reorganization or reform.

1. 1903: The three commissioners created a committee to do an extensive study of the District government.

2. 1913–14: The D.C. Suffrage League petitioned Congress in 1918 to appoint a joint committee to examine the form of government of the District seeking to create “a form of municipal government worthy of the Capital of the American Republic.”

In 1914, the House District Committee held hearings on the matter and reported a resolution to empanel a commission to study the relationship between the Federal Government and the District.

3. 1921–33: During the 1920’s both Houses of Congress conducted hearings nearly every year concerning suffrage for District residents. Also during this period the U.S. Bureau of Efficiency conducted over 100 studies on the administration of the District government.


—Replacing the board of commissioners with a 7-member council, 5 appointed by the President and ex officio the chairman of the Senate and House District Committees.

—Forming an office of city manager to direct and coordinate the agencies of the District government. The city manager would be appointed by the council, to whom he would report.

—Transferring all responsibility for the execution of duties relating to the government of the District from Federal agencies and officials to District officials.

—Transferring the authority for the District budget formulation from the Bureau of the Budget to the council and city manager who would send it to the Congress.
—Organizing the administrative services into departments to be directed by a permanent experienced administrator who would report to the city manager.
—Assigning the same classifications and rights to District government personnel as those granted Federal employees under the Civil Service system.

4. 1933–34: A review of District government affairs was conducted for the Senate District Committee.

5. 1937: The D.C. Commissioners appointed a group of 21 citizens, the Citizens Efficiency Committee, to undertake a study.
Also, under the D.C. Appropriations Act, $50,000 was tendered to finance a study under the direction of the President to examine the fiscal relationship between the District of Columbia and the Federal Government. The report of the “Advisory Committee on Fiscal Relations Study” made recommendations concerning the local budgetary practices and suggested to the Congress a reorganization in the D.C. government and relevant Federal agencies concerning monetary affairs.

The Washington Post carried a series “The District Crisis” by Merlo J. Pusey which cited several reforms, among them: local control of the D.C. budget, rather than the Federal Bureau of the Budget; the assumption of authority for all routine city functions by the D.C. Commissioners; the election of a Delegate from the District to the U.S. House of Representatives; and provision for civil service legislation for D.C. government employees.

6. 1938–39; At the urging of Representative Ambrose J. Kennedy (D-Md.), a member of the Committee on the District of Columbia of the House, the Congress commissioned a study on the organization of the government of the District of Columbia which was conducted by Griffenhagen & Associates. The study, which lasted 9 months, surveyed the administration and operation of the government, employing extensive interviews with local and Federal officials and reviews of previous studies.

In their letter of transmittal to Senator William H. King and Representative Jennings Randolph, chairmen respectively of the House and Senate District Committees and their members, Griffenhagen & Associates stated:

The existing organization has been built around an act adopted over 60 years ago and had obviously grown without plan or system; it is now unbelievably complex, confused, illogical, and cumbersome. In our proposals for change we have emphasized the objectives of simplification and modernization and have endeavored to make the proposal definite.60

They cited the unique problems of governance of the District including: the District’s dual function as the Nation’s Capital and municipal corporation; the lack of clear distinction of the delegation of congressional authority to the city, Federal agencies, and to itself with respect to powers and duties; its overlapping functions of city, county, school district, and other political subdivisions similar to a State; and the close and direct contact of the District with the
Federal Government with benefits to the District that are unavailable to other jurisdictions.

In 1939, there were over 60 agencies of government in the District with varying relationships to the three District Commissioners. In addition, there were boards and committees that rendered services to the government or coordinated activities of the government. The powers and authority of government were divided among entities that were independent of each other. There was no plan or system to the assignment of functions of the various agencies, making effective coordination impossible. Then, too, the managers or heads of the various bodies were appointed by a range of authorities including the President, the board of commissioners, and the courts; quite frequently subordinate officials were appointed by higher authorities, bypassing the heads of their agencies.

The chief recommendations of the Griffenhagen report concerned the separation of the legislative and administrative/executive functions of the District government. The report proposed a larger governing body of 5 to 7 members with increased ordinance-making powers over purely local matters, relieving the Congress of the unnecessary burden of local legislation. The legislative body they suggested would be responsible to the Congress and the President and would have no administrative authority. On the other hand, they suggested an administrative authority, a "District administrator" akin to a city manager, who would serve the governing body to execute, direct, manage, supervise and coordinate its policies. Further, his qualifications should include experience in the management of the municipal operations of a large city. They proposed that the governing body appoint the administrator and that he should serve at their pleasure so long as he conducted his duties efficiently and satisfactorily. Alternatively, they suggested that he be appointed by the President. And it was to be under the authority of the District administrator that all department heads should be appointed and should serve. The 65 city agencies then in existence would be reorganized into 17 administrative departments.

C. HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA REORGANIZATION BILL OF 1940

H.R. 9525, 76th Congress, 3d session, was accompanied by House Report No. 2116, which contained many recommendations similar to the work of the Citizens Efficiency Committee and the Griffenhagen report. The bill passed the House but died in the Senate. Helen W. Dalrymple and Frederick L. Scott in "A Summary of Major Changes Proposed and Actual in the Government of the District of Columbia Since 1801," prepared by the Government and General Research Division of the Library of Congress in 1967, condensed the report recommendations as follows:

Briefly, it reduced the number of administrative departments to 11; provided for an administrative assistant to the commissioners, a new director of finance and a new director of personnel; created a separate local budget for the District of Columbia; established a civil service system for the employees of the District government; consolidated the
court system; and granted additional administrative powers to the Commission.81

D. HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA SUBCOMMITTEE ON HOME RULE AND REORGANIZATION PRELIMINARY REPORT, 1947

After World War II the issue of an elected government gained prominence alongside the issue of local government reorganization. The House District Committee reported its attempt to relieve Congress from the burdens of local legislation while retaining its constitutional authority; create an elected government; and provide "an efficient and economical government of the District of Columbia." 82 Again, this effort was unsuccessful.

E. THE AUCHINCLOSS BILL, H.R. 6227, 1948

The companion bills, S. 1968 and H.R. 4902, were introduced in the second session of the 80th Congress, 1948, by Senator Ball of Minnesota and Representative Auchincloss of New Jersey, respectively. Their aim was to provide a new government for the District of Columbia, abolishing the three commissioner form of government in favor of an elected 12-member District Council. After extensive hearings and debate, the bills were revised and reintroduced as H.R. 6227, which was approved by the House District Committee, and became the most far-reaching legislation on local self-government and the model for later bills in the drive for home rule for the District.

The provisions of H.R. 6227 included the establishment of a Joint Congressional District Committee, including an elected nonvoting District Delegate to the House of Representatives. The Joint District Committee would have the authority to oversee District affairs and have jurisdiction over legislation concerning the District.

The District Council would enact local legislation, propose general legislation to Congress, elect a Mayor from among its members, and appoint a District manager who would be responsible for the entire city administration under the council's policies.

The council-manager government would streamline the 60-plus city agencies into 12 departments, headed by appointees of the District manager, who would bear overall responsibility for the reorganization and modernization of the new departments.

In addition, the bill called for the President to appoint a board of elections to initiate election machinery and procedures; establish the fiscal relationship between the Federal and District governments; and provide for the protection of the Federal interest in the District.

H.R. 6227 was reported favorably by the House District Committee, cleared the Rules Committee, won two test votes, but was set aside as unfinished business at the end of the 80th Congress.

F. S. 1527, 81ST CONGRESS, 1949-51

Similar in some ways to the Auchincloss bill, S. 1527 passed the Senate and was sent to the District Committee of the House of Representatives in 1949 for consideration along with the Auchincloss proposal and others. After hearings were held on all the bills per-
taining to the D.C. government, the subcommittee in the House and later the full committee tabled the bills.

S. 1527 did not provide for a District Delegate, but did propose a District Manager, appointed by the council, along with reorganization of the District government. The District Council configuration in this bill was for an elected nine-member body with two additional members to be appointed by the President. It placed limits on the District debt and provided terms for Federal payments to the District government.

G. THE BUREAU OF THE BUDGET STUDY, 1952

Similar in scope to the Griffenhagen report, the Bureau of the Budget study proposed the separation of legislative and executive powers and functions. It called for administrative reorganization, reducing the number of departments to 10, supervised by a District manager who would appoint the department heads. He would report to a Presidentially appointed commission of from 5 to 7 members, one of whom would be designated the Mayor who would preside over the commission and be the ceremonial head of government.

H. S. 1976, 82D CONGRESS, 1951–53

In the Congress, meanwhile, S. 1976 was being guided through the legislative process. This bill called for a Presidentially appointed Mayor, rather than a District manager, who was to be a skilled municipal administrator, responsible for the general supervision of the local government. He was to be given the additional power to veto the actions of a 15-member elected council, who could override his veto by a two-thirds vote.

The bill contained provisions for an elected District Delegate with no voting privileges; an elected five-member board of education; a debt ceiling for the government; the mechanism for election procedures; and a popular referendum in favor of or against ordinances of the council.

After passage by the Senate in January 1952, the measure was sent to the House, which referred it to the House District Committee where it was tabled in subcommittee. A move was made in the Senate to recommit the bill to committee, but that effort failed. No further action was taken in the 82d Congress.

From 1949 through 1953 the chairman of the House District Committee was Representative John L. McMillan, a Democrat of South Carolina. He was responsible for blocking the various legislative efforts to provide an elected government for the District of Columbia at that time. As the bills made their way through the legislative process, he used his power to kill them in committee. Congressman McMillan’s term as Chair was interrupted from 1953–55 by the service of Sid Simpson, an Illinois Republican; but McMillan served again from 1955–1973, tying up all attempts at home rule for the District. In 1972, he proposed that parts of the District be retroceded to Maryland, dismantling the District, leaving a Federal City under Federal control.
I. PRESIDENTIAL REORGANIZATION PLAN NO. 5, 1952

At the same time that the Bureau of the Budget study and the congressional initiatives for home rule were underway, President Truman in 1952 sent Reorganization Plan 5 (66 Stat. 824) to the Congress at the urging of the District Commissioners and local business and civic leaders. There was no congressional resolution of disapproval and the plan became effective July 1, 1952.

The President noted that the most serious defect of the government was the proliferation of over 80 agencies whose modification or expansion by the Congress had resulted in an administration that was tangled, complex, and uncontrolled. Reorganization Plan 5 gave the Commissioners authority to determine the agencies and offices of the city. The Commissioners established the department of general administration which consolidated 94 local government entities into 13 departments, 4 boards, and 6 offices. The new department centralized the common services of finance, internal audit, budget, personnel, management, procurement, and general administrative functions.

Under plan 5 an additional action was the creation of the Citizens' Advisory Council, appointed by the Commissioners. The original 9-member body was later expanded to 25 members, who served 8-year terms without pay. The council held hearings and issued reports, advised the board of Commissioners, and interpreted District government programs to the public. They eventually organized their work into three committees corresponding to the responsibilities of the three Commissioners.

The reorganization effort seemed to usher in a period of stability for the District government—supporters of the status quo defended it as being corruption-free and relatively well-managed. Most of those who were urging change, however, were more likely to spend their efforts in the direction of home rule rather than reorganization.

The D.C. Appropriations Act of 1954, section 16, rescinded the power of the local Commissioners to establish agencies and offices of the District of Columbia government after June 30, 1954. Thereafter the Congress had to enact a public law to alter the organization of the District government. The Congress thereby reasserted its constitutional authority to prevail in the governance of the District of Columbia.

J. APPOINTMENT OF A PRESIDENTIAL ADVISOR FOR NATIONAL CAPITAL AFFAIRS, 1962

Upon the recommendation of the Congressional Joint Committee on Washington Metropolitan Problems in 1959, President Kennedy appointed the first Presidential Advisor for National Capital Affairs in 1962, Charles A. Horsky.

The joint committee asserted that a presidential advisor was necessary because "many different Federal agencies play a part in the development of the National Capital region, and they have no common superior short of the President himself. The coordinator would do the staff work that is needed preparatory to a decision by the President in matters on which the subordinate agencies do not agree, or which are of sufficient importance to warrant the Presi-
dent's attention." Mr. Horsky served from 1962-67, advising Presidents Kennedy and Johnson on those Federal departments and agencies having operating responsibilities affecting the National Capital area; worked with State, county, and municipal governments, including the District of Columbia government, on matters pertaining to the Washington metropolitan area; and assisted in preparing legislative and administrative recommendations concerning the Capital area.

III. President Johnson's Reorganization Plan No. 3 and the Single Commissioner/Council Form of Government, 1967

Recognizing the ineffectiveness of the nearly 100-year-old three-commissioner form of government to deal with a 1967 population of 800,000, a bureaucracy of over 30,000 and a budget of half a billion dollars, President Johnson on June 1, 1967, proposed to abolish it and create instead a single-commissioner/mayor and council form. In his message transmitting the plan to the Congress, the President emphasized that his proposal was not an ordinary reorganization but an attempt to strengthen and modernize the D.C. government, making it "as efficient and effective as possible." He recommended appointing, with Senate confirmation, a single commissioner as chief executive who would be given the executive functions formerly held by the commissioners, that is the authority and responsibility "to organize and manage the District government, to administer its programs and to prepare its budget." He would have an assistant commissioner to aid him. The nine-member council would be bipartisan and similarly appointed by the President with the advice and consent of the Senate. The council would perform over 430 quasi-legislative functions which would be transferred from the legislative responsibilities of the Board of Commissioners.

The Commissioner would serve a 4-year term and the council members were to serve staggered 3-year terms, three to be appointed each year. It was further provided that either the commissioner or his assistant must have held residence in the District of Columbia for 8 years prior to his appointment. All members of the council had to meet the same residency requirement as well. A vote of three-fourths of the council could override a veto of the Commissioner.

In the conclusion of his letter of transmittal to the Congress, the President asserted that this plan was not to be construed as a substitute for home rule. "I remain convinced more strongly than ever that home rule is still the truest course." He did emphasize, however, that the plan would not "detract from the powers which the Congress exercises with respect to the District." In hearings before a subcommittee of the Committee on Government Operations of the House of Representatives held later in June 1967, there was a range of testimony on the plan. Carl L. Shipley, chairman, District of Columbia Republican Committee, disapproved of the plan, citing the constitutional question of whether or not the President could reorganize the board of commissioners, substituting a mayor/council government appointed by the President; the advisability of putting the power in the hands of a single
commissioner to abolish and establish new offices, agencies and commissions; and calling into question the authority of a council to act outside of the bounds of the area reserved to the Congress alone. The Democratic Central Committee, however, endorsed the plan.

Representative John L. McMillan, chairman of the House Committee on the District of Columbia, testified against the plan, questioning its merits. In his opinion, the plan "violates the limitations imposed by the Constitution, that it exceeds any powers specifically granted in the Reorganization Act of 1949 by the Congress, and that it assumes powers not shown by any expressed intent of Congress." He was against replacing the three commissioners with a single executive who, he implied, could not make better decisions than the combined information, understanding, and capabilities of the board of commissioners. He believed that by yielding appointment power of the executive and the council to the President that the executive branch would thereby control the District government and leave the Congress' constitutional mandate violated. Another McMillan concern was that the President had an advisor on District affairs at the same time three commissioners served to lead the government and that final authority of leadership of the government was debatable. His further concern was that separating the executive from the legislative functions of government was unwise in his opinion, and would not lead to greater efficiency.

Representative Joel Broyhill of Virginia opposed the plan, asking why the reorganization was deemed critical at that time. He preferred to delay any change in the structure and powers of the District government, citing other more pressing matters of business for the local government "such as crime, housing, the school program, highways." In addition, he was not convinced that a council/city manager form of government should not receive more consideration than the proposed mayor/council form. He believed that the government should be led by a strong person at the top and questioned whether or not that person would be the Presidential appointed Commissioner/Mayor, who could be removed by the President at any time, or the council chairman who could only be removed for malfeasance.

A highly influential black minister, active in civic affairs, Bishop Smallwood E. Williams, cochairman, Committee to Support the President's Reorganization Plan, provided pointed testimony concerning the issue of race as it affected opposition by Representatives McMillan, Broyhill, and others to the plan:

Mr. Chairman, I respectfully say that the Negro people of Washington have suffered innuendoes and racial insults and mistrust because of crime by a small percentage of our population. Mr. McMillan constantly referred to the crime situation, and we are all concerned about it. I believe that added responsibility and increased participation in local government as provided by this plan, that the Negro population could help reduce crime in the ghettos and maybe in the suburbs, also. Because nine councilmen, biracial councilmen, living in their respective areas could help to elimi-
nate the root cause of crime, there is no use to crown an infected root. We have to get at the roots. · · · ·

· · · · It is said that the opposition in Congress, much of it, is because of the fact that you have the uniqueness of this large city with the majority Negro population. But I feel that this affords a greater opportunity even for Congress to improve our form of government here, that the District of Columbia will be a showplace for good government.69

The organizations in opposition to Reorganization Plan 3 were: District of Columbia Bankers Associations, District of Columbia Federation of Citizens Associations, District of Columbia State Republican Committee, and the Metropolitan Washington Board of Trade.70

D.C. officials who supported the President’s plan were: Hon. Walter Tobriner, president, Board of Commissioners; Hon. John Duncan, Commissioner; General Robert E. Mathe, Commissioner; and John Layton, chief, Metropolitan Police Department.71

The following organizations supported Reorganization Plan No. 3:

American Federation of Government Employees, Local 12.
American Federation of Teachers, Washington Local.
American Jewish Congress.
American Veterans Committee.
Baptist Ministerial Alliance.
Bibleway Church.
B’nai’Brith.
Capital Hill Community Council.
Catholic Archdiocese.
College Alumnae Club.
Committee of Forward Looking Republicans.
Council of Churches of Greater Washington.
Democratic Central Committee.
Democrats for the District.
District of Columbia Business League.
District of Columbia Chamber of Commerce.
District of Columbia Citizens for Better Education.
District of Columbia Education Association.
District of Columbia Federation of Civil Associations.
Episcopal Diocese of Washington.
Far Northwest Democratic Organization.
Greater Washington Central Labor Council, AFL-CIO.
Health and Welfare Council of the National Capital Area.
Home Rule Assembly.
Hospitality House.
Housing Development Corporation.
Jewish War Veterans.
League of Women Voters of the District of Columbia.
Lutheran Churches Task Force on Self-Government for the District.
Metropolitan Community Aid Council.
National Alliance of Postal and Federal Employees.
National Association for the Advancement of Colored People.
President Johnson’s Reorganization Plan 3 was unopposed in the Senate. However, in the House of Representatives there were two disapproval resolutions introduced on June 13, 1967. The House Committee on Government Operations reported the plan favorably on August 2 and on August 9 the full House of Representatives defeated the disapproval resolution by a vote of 244 to 160. The adoption of the plan was completed on August 11, 1967.

New government for the District of Columbia took effect after 93 years, paving the way for more effective governance in keeping with modern municipal management.

President Johnson appointed Walter E. Washington as Commissioner/Mayor. He served from 1967-75 under Presidential appointment and later was the first elected Mayor of the Nation’s Capital from 1975-79. The first Presidentially appointed city council under the reorganization plan of 1967 were: Margaret A. Haywood, Stanley J. Anderson, Polly Shackleton, John A. Nevius, William Thompson, J.C. Turner, Joseph P. Yeldell, and Walter E. Fauntroy, vice chairman, and John A. Hechinger, chairman.


President Nixon signed into law authorizing legislation from the 91st Congress (Public Law 91-405), reported from the Committee on the District of Columbia, establishing a nonvoting Delegate from the District of Columbia.

Delegate Walter E. Fauntroy (D), a native of Washington, DC, was elected in March of 1971 in a general election, defeating John Nevius, the Republican nominee.

Delegate Fauntroy, educated at Virginia Union University and Yale Divinity School, served as pastor of New Bethel Baptist Church since 1958. A civil rights activist, Delegate Fauntroy was an associate of Rev. Dr. Martin Luther King, Jr., and directed the Washington Office of the Southern Christian Leadership Conference from 1960-71. He served as the vice chairman of the Presidentially appointed D.C. City Council from 1967-69.
As a member of the House District Committee he led the home rule efforts and proposed a more predictable and just Federal payment for the District. Significantly, he led the 95th Congress to pass a resolution proposing an amendment to the Constitution to allow D.C. residents to elect two Senators and the permissible number of Representatives according to the apportionment principle. In addition, he has been in the forefront of the statehood drive for Washington, the ultimate goal for full representation and participation in government for residents of the Nation’s Capital.\textsuperscript{73}
CONCLUSION

The District of Columbia is the most complex municipal government in the United States. It shares the qualities of a city, a State, and a Federal protectorate, while at the same time serving as the Nation’s Capital. The U.S. Constitution provided for a national capital under article I, section 8, paragraph 17, and gave Congress the power “...to exercise exclusive legislation in all cases whatsoever over such District..." In determining the current form of government, Congress established limited home rule while maintaining its constitutional authority and responsibility.

Among the earliest observations on the form of government for the Nation’s Capital there was the following from George Washington in 1792 from Philadelphia while the Federal city was being built on the Potomac under the guidance of the three commissioners appointed to oversee its development:

It has always been my opinion, and still is so, that the administration of the affairs of the Federal city ought to be under the immediate direction of a judicious and skillful superintendent, appointed by and subject to the orders of the commissioners (who, in the eye of the law, are the responsible characters), one in whom are united knowledge of men and things, industry, integrity, impartiality and firmness; and that this person should reside on the spot. 74

The choice of an elected strong mayor/council form rather than a weak mayor/council/city manager form resulted from extensive study and debate over the years both within and outside of Congress. Throughout the years, however, most congressional proposals have focused on a strong executive who can be held accountable for an efficient government.

In contrasting the strong mayor/council form versus the weak mayor/council/city manager form the key difference is the point of accountability. In the mayor/council form, there is an elected chief executive officer who may appoint a city administrator responsible to him. And although the city administrator is responsible for day-to-day administration, he does not appoint department heads or other key personnel and his budget preparation and other actions are conducted under the supervision of the mayor, who bears ultimate authority. On the other hand, under the council/city manager form, the manager is appointed by and responsible to an elected council, serving at its pleasure as the chief administrative officer. He oversees personnel, development of the budget, proposes policy alternatives, and generally implements the policies and programs of the council. Only two cities with over 500,000 residents—Dallas and San Jose—have city managers.

In 1952, President Truman sent Congress Reorganization Plan 5, retaining a three-commissioner form. The plan cited the need to re-
order the ineffective growth of the District’s government which had more than 90 local entities, many of which were autonomous and uncontrolled. The Department of General Administration was created which consolidated the proliferation of agencies into 13 departments, 4 boards, and 6 offices. However, these efforts came to an end in 1954, when the Congress revoked the plan, requiring instead that all reorganization actions be authorized by public laws enacted by Congress.

After 93 years of the three-commissioner form, President Johnson proposed the appointed single-commissioner or mayor/council form in 1967. This was the first step toward an elected mayor/council form of government. Although it was still an appointed government, it enjoyed the separation of the executive and legislative functions for the first time in modern history.

There have been two wide-ranging congressional studies related to the most effective means of local governance: (1) The Commission on the Organization of the Government of the District of Columbia (The Nelsen Commission), 1970–72; and (2) the deliberations attendant to the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the Home Rule Act). In both of these undertakings the emphasis was on focusing strong executive power, and thus accountability, in the hands of the mayor/commissioner.

The Nelsen Commission’s study of the appointed mayor/council form in effect at that time involved a thorough review of the District government and over 450 specific actions to strengthen its effectiveness. The commission’s aims were to incorporate mechanisms of accountability, to strengthen the mayor’s ability to formulate policy and to establish a strong executive line-of-command.

To help accomplish these results they recommended that instead of an “assistant to the Commissioner” appointed by the President there would be a city administrator appointed by the mayor who would delineate his duties and responsibilities. The city administrator was to be a well-qualified and experienced professional municipal manager who would “establish and maintain centralized executive control over the departments, agencies, and offices of the District of Columbia government.” 75

A year later, the House District Committee began hearings on the Nelsen Commission recommendations along with the prospect of home rule. The committee proposed in the Home Rule Act of 1973 that the mayor should be the chief executive officer, but aided by a city administrator. Congressman Fraser said, “The chief administrative officer is like a city manager, but his accountability runs to the mayor, who is elected * * *.” 76 During their deliberations they observed that large cities generally did not employ the city manager form, though it was a recently popular form for less populous and complex cities.

At the time of the home rule debate, however, there was opposition to the strong mayor/council/city administrator model. Among the alternative suggestions were those of Congressman Dellums for statehood and Congressman McMillan’s for cession, leaving a Federal enclave under Federal Government control and ceding the rest to Maryland.
In a forum, *Managing the Nation’s Capital* (see Appendix B), held by the University of the District of Columbia in 1985, one of the five former city administrators who participated said that he regarded his most significant achievements as establishing organizational discipline and accountability, along with an analytical capability within the government structure. The results were inter-agency coordination, financial soundness, and the creation of horizontal and vertical channels of communications, thus solidifying mayoral control of the government which is in effect to the present day.
REFERENCE NOTES

2. Ibid.
4. 84 Stat. 845.
19. Ibid.
20. Ibid.
26. Ibid., p. 171.
27. Ibid., Part 2, p. 237. Member Organizations of “Self-Determination for D.C.—The National Coalition” were: American Association of University Women, American Civil Liberties Union, American Federation of Government Employee, 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

30. Ibid., p. 95.
33. Ibid., April 5, 1973, p. 46-47.
38. Ibid., p. 10.
39. Ibid., Chapter II, p. 1441-1442.
40. This refers to the D.C. Court Reorganization Act of 1970.
41. Ibid., p. 1443-1444.
42. Ibid., p. 1445.
45. 87 Stat. 774.
46. 87 Stat. 785.
47. 87 Stat. 787.
48. 87 Stat. 774.
51. Ibid.
54. Ibid., p. 6.
55. Ibid., p. 4.
56. Ibid.
57. Ibid., p. 20.


65. Ibid., p. 3.

66. Ibid., p. 4.


68. Ibid., Statement of Hon. Joel T. Broyhill, a Representative in Congress from the State of Virginia, p. 130.

69. Ibid., Bishop Smallwood E. Williams, Co-Chairman of the Committee to Support the President’s Reorganization Plan, p. 185-186.

70. Ibid., Statement of the Committee to Support the President’s Reorganization Plan, p. 199.

71. Ibid.

72. Ibid., p. 198-199.

73. Rimensnyder, *Delegates to the House from the District of Columbia*, p. 6-7.


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