1973

Memorandum concerning the District of Columbia

Edmund S. Muskie

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MEMORANDUM

TO: Senator Muskie
FROM: Rick Bayard
DATE: July 19, 1973
RE: H.R. 8659, D.C. Appropriations

H.R. 8659, the D.C. Appropriations bill, which will be managed by Senator Bayh, Chairman of the D.C. Appropriations Subcommittee, recommends operating expenses of $790,984,600 of District of Columbia funds for FY 1974, which is $4.6 million higher than the amount approved by the House and $10.6 million lower than the level requested by the District and approved by the Administration.

Both the House and the Senate bills propose balanced budgets but reflect different totals because the D.C. Appropriations Subcommittee cut $3 million from the House-approved funds for correctional improvement and increased funds for social services, such as day care, and made other welfare and consumer-related adjustments.

Major items in the bill are: (1) Federal Payment to D.C. for lost tax revenues from the non-taxes Federal facilities of $191,533,000, which is identical to the House level, and $2.5 million less than requested; (2) $226,184,000 in loans to the District to finance its capital improvements program, which is $10 million less than the House-approved level and $12.5 million less than requested; for a total outlay of federal funds of $417,717,000 for FY 1974, which is slightly more than one-half the total operating expenses which the Committee recommends for the District; (3) Budget authority for operating expenses is set at $790,984,000 for FY 1974; (4) Approved D.C. budget authority request of $39,633,000 for repayment of loans and interest on borrowing from the U. S. government; (5) $128,041,900 for D.C. budget authority for the capital improvements program, which is $10.1 million below the House bill and $21.9 million below the District request because of voluntary reductions made by D.C.

The totals reflected in the above-mentioned items are:

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<tr>
<th>Request</th>
<th>House</th>
<th>Senate</th>
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<tr>
<td>$991,224,000</td>
<td>$964,179,000</td>
<td>$958,659,500</td>
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As far as can be determined at this time, no effort to amend the bill will be made. You should vote for the bill and follow Senator Bayh’s lead on amendments, if any are offered.
MEMORANDUM

TO: Senator Muskie
FROM: Rick Bayard DATE: June 22, 1973
RE: S. 1435, the District of Columbia Home Rule Bill

S. 1435 is a modified home rule measure for the District of Columbia. Little opposition and no amendments are expected. The bill is similar to S. 2652, which passed the Senate in 1971 on a vote of 64-3 (you were announced in favor). You should support this bill and follow Senator Eagleton’s lead if any amendments are offered.

The bill would provide for a referendum of D.C. residents to approve a District of Columbia Charter. The Charter (which is a part of S. 1435), provides for election of a mayor and an eleven-member city council. The Council would have local legislative power, including the power to tax and incur debts; the Mayor would have veto power and would act as chief administrative officer of the D.C. government.

The bill retains the constitutional power of Congress over the affairs of the District of Columbia, by providing for: Congressional veto by either house of Congress of any act of the city council; Congressional repeal, amendment, or initiation of local legislation; supervision of the fiscal affairs of D.C. by the General Accounting Office; and the prohibition of taxation by D.C. residents of any other state.
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Senator Scott of Virginia may offer three amendments for his constituents who work in the District of Columbia. Amendment No. 266 would transfer control of Lorton Reformatory in Lorton, Virginia, from the D.C. government to the Justice Department. Amendment No. 267 would prohibit recommendations made by the National Planning Commission from affecting construction outside D.C., such as the Three Sisters Bridge and Interstate 66. Amendment No. 268 would prohibit levy of any tax on residents of other states for use of highways or parking facilities in D.C. You should follow Senator Eagleton’s lead in opposing these amendments. (See attached Washington Star-News editorial.)

Senator Cotton will offer Amendment No. 304 to provide for a presidentially appointed D.C. Police Chief, subject to Senate confirmation. This seems to be contrary to the spirit of home rule, and Senator Eagleton will probably oppose it; you should follow his lead.
Amendments by Scott of Va. to the D.C. Home Rule Bill, S. 1435

Amendment No. 266: to switch the Lorton Reformatory in Lorton, Va. from the control of the D.C. government to the Justice Department, in order to get federal funds and management over the reformatory. D.C. Committee has written the Justice Department to get their opinion, but have had no answer yet.

Amendment No. 267: to prohibit the National Planning Commission from making decisions regarding construction outside the District, but in the metropolitan area. Presently the National Planning Commission makes binding decisions regarding construction only in an area of about 15 blocks downtown. However, the Commission makes recommendations regarding construction in the entire metropolitan area, which recommendations hold great weight with the Administration and OMB. A recommendation of the National Planning Commission played a part in denying the construction of the Three Sisters Bridge, and another in denying construction of Route 66.

Amendment 268: to prohibit any tax on the utilization of highways or parking facilities in the District to be levied against those from other states. The bill presently contains a provision which prohibits the imposition of any commuter tax on wages or income. Further, the imposition of parking tax and other such restrictions may be inevitably necessary for D.C. to achieve the goals outlined in its EPA Clean Air Plan.
The Wrong Vehicle

As if the District's bid for home rule didn't already face enough tough, substantive hurdles in the House of Representatives, some new sources of legislative harassment also have surfaced. On the other side of Capitol Hill, for example, there is Senator William Scott of Virginia.

When the Senate District Committee's home rule measure reaches the Senate floor, which could occur at any point convenient to the leadership, from now on, Scott's announced intention is to try to attach to it three amendments which would: (1) transfer control of the District's Lorton Reformatory complex in Northern Virginia to the federal government, (2) restrict the National Capital Planning Commission's jurisdiction to the city limits and (3) ban the imposition of certain types of parking restrictions against suburban commuters in the District.

Now Scott says, and we believe it, that his primary motive, this time anyway, is not to throw a harpoon into home rule. For the prospect is that the bill will sail through the Senate this year, as always, with hardly a second look. What Scott concedes that he's looking for, in other words, is a safe vehicle for some pet legislative projects he hasn't been able to move on their own merits. And that, of course, is why this mischievous gambit should fail.

The Lorton transfer, a perennial Scott offering, has been so thoroughly discredited we needn't waste further words on it. The NCPC proposal is just plain silly; it is vital that that body function as the planning overseer of federal activities throughout this region, not just in the city. As to commuter parking restraints in the District, that whole issue is so indefinite and so complex, that this is no time for piecemeal action on any part of it.

Accordingly, if Scott persists with his amendments, the expectation is that Senator Eagleton, the District Committee's chairman, will oppose them as improper end-runs of the normal legislative process. The Senate should concur in that view. Assuming, as we do, that a Senate home rule bill will move along to the House, the last thing it needs is an added burden of miscellaneous proposals too weak to survive on their own.

African Story

The seizure of power by the army of Ruanda follows a familiar pattern in post-colonial, black Africa. Tribal rivalries and deep poverty have worked against the development of effective, independent nationhood in the landlocked territory, a once-British protectorate more recently administered by Belgium. After a decade of famine and recurrent bloodshed, President Habyarimana, the only man to have held the post, has been undermined by the military headed by violence and suppressed ever since. (In neighboring Burundi, Hutus are regularly massacred by a still-ruling Tutsi minority.)

One aspect of the bloodless Rwandan coup was rivalry between southern Hutus, dominant in Kayibanda's government, and northern Hutus, strong in the military. The army has declared itself against regional and racial divisions, and has acted recently to stop persecution of Tutsis. Habyarimana, with a reputation for leniency,