League of Women Voters
of the United States

Memorandum

[redacted]

April 22, 1966

This is going on
Duplicate Presidents Mailing

TO: Local and State League Presidents

FROM: Mrs. Robert J. Stuart

RE: The defeat of S.J.R. 103 in the Senate April 20.

The suspense mounted as the time drew near for the final vote. The supporters of the proposed constitutional amendment, SJR 103, to allow one house of state ligislatures to be apportioned on factors other than population, needed only seven more votes to gain approval. During the debate on April 19, the Senate unanimously accepted Senator Frank Church's (D. Idaho) amendment to the preamble, requiring prior compliance of state legislatures with the Supreme Court ruling on reapportionment before ratification. The proponents had hoped to pick up additional votes by this modification.

Earlier we had heard that several Senators were wavering and we were concerned that the proponents might gain the needed votes if the proposed amendment were modified. We alerted the State Leagues of the Senators who might change their votes, and extra efforts were made to keep these men on our side. When the vote was taken at 2:00 o'clock on the afternoon of April 20, we did not lose one vote. In fact, we picked up one (Metcalf, of Montana), who had voted for the amendment on August 4.

The League can be proud of the role it played in the defeat of this amendment. Although the opposition had mounted campaigns in nearly every state and had spent thousands of dollars in its efforts to gain support for this constitutional amendment, it was not able to change even one vote.

The work of the League was brought up time and time again during the debate. I would like to share with you some of the comments made on the floor.

> Senator Proxmire (D.Wis.) ". . . I wish to join him /Senator Paul Douglas, D. Ill./ in expressing gratitude to the League of Women Voters. I believe that this is something which should really merit the attention of Members of the Senate. This is a group which had no ax to grind whatsoever. They have no financial gain to make. Their only interest is in good government. All of us are familiar with the nonpartisan attitude in which they do not endorse candidates, they do not endorse parties, but they make every effort to determine the issues strictly on the basis of their merits.
>
> My understanding, in this case, is that they have studied the issue at great pains, and over a long period of time, before they came to a conclusion on it. It was discussed, debated, and considered, and they have

now come out strongly in opposition to the Dirksen amendment, and favoring the one man, one vote."

Senator Douglas (D. Ill.) "That is correct. I believe that we can take their judgment with greater credence than that of the public relations firm hired at great cost to stir up sentiment for an amendment which would deny the principle of equality of citizenship."

. . .

Senator Long (D. Mo.) "As the Senate knows, the League does not take stands on issues without careful and detailed study. It is significant, I believe, that the Leagues, even those in smaller communities, have reached a consensus opposing a constitutional amendment such as that proposed by Senate Joint Resolution 103."

The vote on S.J.R. 103 was as follows: 55 yeas - 38 nays (two-thirds needed on constitutional amendments).

YEAS - 55

Aiken	Fong	Murphy
Allott	Fulbright	Pearson
Bartlett	Harris	Prouty
Bennett	Hayden	Russell, S.C.
Bible	Hickenlooper	Russell, Ga.
Byrd, Va.	Hill	Saltonstall
Byrd, W.Va.	Holland	Scott
Cannon	Hruska	Simpson
Carlson	Jordan, N.C.	Smathers
Church	Jordan, Idaho	Smith
Cooper	Kuchel	Sparkman
Cotton	Lausche	Stennis
Curtis	Mansfield	Talmadge
Dirksen	McClellan	Thurmond
Dominick	Miller	Tower
Eastland	Monroney	Williams, Del.
Ellender	Morton	Young, N. Dak.
Ervin	Moss	
Fannin	Mundt	

NAYS - 38

Anderson	Jackson	Morse
Bass	Javits	Muskie
Bayh	Kennedy, Mass.	Nelson
Boggs	Kennedy, N.Y.	Pastore
Brewster	Long, Mo.	Pell
Burdick	Magnuson	Proxmire
Case	McCarthy	Randolph
Clark	McGee	Ribicoff
Douglas	McGovern	Tydings
Gore	McIntyre	Williams, N.J.
Hart	Metcalf	Yarborough
Hartke	Mondale	Young, Ohio
Inouye	Montoya	

Not Voting - 7

Robertson
Dodd and Neuberger (If present and voting each would have voted 'nay.')
Greuning (If present and voting would have voted 'yea')
Long (La.) and Symington paired 'yea' with McNamara 'nay' (double pair since two-thirds vote needed.)

Senator Dirksen has indicated that he is not going to give up on his efforts to get this amendment approved. He said on the floor of the Senate on April 20, "Just as old soldiers never die but fade away, this issue will not die. Neither will it fade away, believe me. I give you, Mr. President, my pledge that we are not going to stop. . ." However it is doubtful that it will be brought up again in the Senate during this session of Congress. Congressman Emanuel Celler (D. N.Y.), Chairman of the House Judiciary Committee, held hearings last fall but cut off hearings when the amendment was defeated in the Senate last August 4. Since he is opposed to the amendment, it is unlikely that he would resume hearings this year.

I have written to Senators Douglas, Proxmire, and Tydings, thanking them for their leadership in the opposition to this amendment. If your Senator voted against the amendment, you may also want to write and thank him for his opposition.

Time For ACTION

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES

[redacted]

This is going on
Duplicate Presidents Mailing

September 8, 1966

TO: Local and State League Presidents
FROM: Mrs. Robert J. Stuart
RE: Action on Home Rule for the District of Columbia

There is new activity in Congress on behalf of Home Rule and new hopes that self-government for the District of Columbia can be achieved in the 89th Congress. Since May 11, 1966, when the House District Committee voted against going to conference with the Senate to iron out the differences in the House and Senate passed home rule bills, home rule proponents have been searching for some way to get further action -- "to finish the job" this year.

As we reported in the August NATIONAL VOTER, Senator Wayne Morse (D., Ore.) plans to add a home rule amendment to the Higher Education Amendments of 1966 (S. 3047, H.R. 14644) when it comes to the floor of the Senate. Senator Morse, a long time supporter of home rule, is a member of the Senate District Committee and Chairman of the Education subcommittee of the Senate Labor and Public Welfare Committee. Senator Morse decided on this procedure as the means of getting congressional action for two reasons: (1) Since the Higher Education bill has already passed the House, it will go to conference following Senate passage; the conferees will come from members of the Senate Labor and Public Welfare Committee and the House Education and Labor Committee, bypassing the House District Committee. (2) The Higher Education bill is considered noncontroversial and should pass the Senate with little difficulty. It passed the House May 2 under suspension of rules which requires a two-thirds vote for passage.

We do not know at this time when the Higher Education bill will come to the floor of the Senate. The Senate began debate on the Civil Rights bill September 6, and the debate on this bill may go on for several weeks. It is hoped that the Higher Education bill will be brought up shortly after the Senate finishes with the Civil Rights bill.

What the League Can Do:

Congress is closer to the final passage of home rule legislation than it has ever been before. It would be a great disappointment if the 89th Congress would adjourn without final passage of home rule legislation. Senator Morse's plan stands the best chance for favorable consideration, and the best chance of getting a home rule bill back to the floor of the House of Representatives for approval if the home rule amendment is approved by the Senate and survives the conference. The House District of Columbia Committee, by voting to refuse to go to conference with the Senate, has left Congress no alternative but to bypass the normal procedure in order to give the House and the Senate an opportunity to work out their differences.

The League of Women Voters of the District of Columbia and the many other local organizations supporting home rule endorse Senator Morse's proposal and are working

to gain support in the U.S. Senate for this plan. Now League members and other citizens throughout the country need to support these efforts with letters to their Senators.

The League does not have a position on the Higher Education bill. We are speaking only to the Morse self-government amendment to the bill, and urging Senators to vote for the amendment.

Enclosed are two copies of a background sheet which you can use and pass on to other organizations for their use. Additional copies are available from the national office -- 10 copies for 50 cents. This will probably be our last chance in the 89th Congress to get self government for the District, and letters from individuals throughout the country can play an important role in the outcome. The Senators will be responsive if there is evident wide-spread citizen concern for representative government for the citizens in Washington.

Letters to U.S. Senators:

The background sheet includes the list of Senators who voted for the Home Rule bill in the Senate July 22, 1965. It is important that we let the Senators who voted for the bill know that we support Senator Morse's effort and urge them to continue to support home rule. If you think that any of the Senators who voted against the bill might change their minds, urge them to vote for it. For instance, Senator Scott (R., Pa.), has stated that his main objection was partisan elections. Now that the bill calls for nonpartisan elections, he might vote for it. It probably won't do much good to attempt to change the minds of those few hard core opponents to home rule.

In the House of Representatives:

There is no reason to write to members in the House at this time. Hopefully, the Higher Education bill with the Home Rule amendment will pass the Senate. It will then go to conference. When the conferees agree, they will file their reports with the House and Senate. If the Home Rule amendment survives the conference, the House will then have the opportunity to vote on the bill. At that time we will send out another Time for Action so we can get letters off to members of the House urging them to support the Home Rule amendment to the Higher Education bill.

League Materials to Provide Further Background:

TWENTY QUESTIONS, from LET'S FINISH THE JOB, Focus on D.C. Home Rule, March 29, 1966

QUESTIONS AND ANSWERS on Home Rule for the District, from LET'S FINISH THE JOB, Focus on D.C. Home Rule, March 29, 1966

THE NATIONAL VOTER, November-December 1965, "D.C. Home Rule - When?"

Report from the Hill on Home Rule for the District of Columbia, October 20, 1965

Time for Action, September 8, 1965
August 17, 1965

FACTS & ISSUES, #306, 1965, "Home Rule for the District of Columbia?"

NCRS 1962-64. November 1962.

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League of Women Voters of the U.S.

[redacted]

September 8, 1966

Price: 10 copies for 50¢

SELF GOVERNMENT FOR THE DISTRICT OF COLUMBIA

In the United States the right to a voice in government is taken for granted. Yet the citizens in the City of Washington have no part in choosing legislators who control purely local affairs.

The District of Columbia did have local self-government in one form or another from 1802 to 1874. But for nearly 100 years, the residents in the nation's capital have had no voice in how local taxes should be levied and spent or how their city government should be administered.

That the citizens in the District should not have the privilege accorded all other citizens of the United States of choosing their city officials is difficult to justify. They pay local and federal taxes, serve in the armed forces, and are expected to obey local and national laws. It is high time they be granted the opportunity to participate in the government of their city.

Your United States Senator will soon have the opportunity to vote for self government for the District of Columbia. Senator Wayne Morse (D., Ore.) plans to add a home rule amendment to the Higher Education Amendments when it comes to the floor of the Senate. (See below for detailed explanation.) Write your Senator now and let him know you support Senator Morse's efforts to get a home rule bill through the 89th Congress.

Background

In the first session of the 89th Congress, on July 22, 1965, the Senate passed its 6th home rule bill (S. 1118) which provided an elected mayor-council form of government, an elected school board, and an automatic formula for federal payment in lieu of taxes for the District operating budget. The House District Committee, traditionally opposed to home rule for the District, did not report the bill out. A discharge petition, which the League supported, on September 3, 1965 obtained the 218 signatures required to bring the companion House home rule bill (H.R. 4644) to a vote on the floor of the House, discharging the House District Committee from further responsibility for the bill.

When the discharged bill came before the House on September 29, Representative Sisk's (D., Calif.) substitute charter amendment was accepted by a vote of 283 for, and 117 against. (See Memorandum, Report from the Hill on Home Rule for the District, October 20, 1965; and THE NATIONAL VOTER, November-December 1965, D.C. Home Rule When?).

This House-passed bill was an entirely different bill from that passed in the Senate. The usual procedure is for the House and Senate committees to appoint conferees to a conference committee to iron out the differences. The Senate District Committee recommended and the Senate asked for a conference. Senator Bible (D., Nev.), Chairman of the Senate District Committee, appointed all seven Senate District Committee members as conferees. But the House District Committee, Representative McMillan (D., S.C.), Chairman, on May 11 voted against a conference by a vote of 13 against, 10 for.

Provisions in Senator Morse's Home Rule Amendment

The Morse Amendment is a modification of the Home Rule bill which passed the Senate July 22, 1965. It will provide, contingent on approval of D.C. voters in a special referendum, for an elected mayor, a 19-member nonpartisan city council (one from

each of 14 wards and 5 elected at large) and a nonvoting delegate in the House of Representatives. Senator Morse has made several modifications in the Senate-passed bill in order to gain additional support when the bill goes back to the House of Representatives:

(1) Nonpartisan elections. (There was some objection to partisan local elections as called for in the earlier Senate-passed bill.)

(2) Authorization of a federal payment to the District of Columbia based on 25% of revenues raised through local taxes. The District would still have to go to the House and Senate Appropriations Committees each year for annual appropriations. (The Senate-passed bill established a federal payment to the D.C. general fund of an amount equal to the total of real estate taxes, personal property taxes, and business income and related taxes that the federal government could be expected to pay if its property were a taxable entity.) For more than 75 years Congress has recognized its responsibility to the District by appropriating from federal revenues a share of the funds needed for the operation of the government of the District. The justifications for such action have never been seriously questioned. However, some opposed the federal formula in the Senate-passed bill, claiming it would establish a precedent regarding payments in lieu of taxes. Senator Morse's proposal for a percentage-of-local-taxes-provision and annual authorization removes this argument.

(3) Authorization for the President to assume command of local police when he deems it necessary or appropriate in order to protect the federal interest or to maintain order. (This provision was not in the Senate-passed bill.)

LIST OF U.S. SENATORS VOTING FOR S. 1118, SELF GOVERNMENT FOR THE DISTRICT OF COLUMBIA, JULY 22, 1965

Aiken	Dirksen	Lausche	Neuberger
Allott	Dodd	Long (Mo.)	Pearson
Anderson	Dominick	McGee	Pell
Bartlett	Douglas	McGovern	Prouty
Bass	Gore	McIntyre	Proxmire
Bayh	Gruening	Magnuson	Randolph
Bible	Harris	Metcalf	Ribicoff
Boggs	Hart	Mondale	Saltonstall
Brewster	Hartke	Monroney	Smith
Burdick	Hayden	Montoya	Symington
Cannon	Inouye	Morse	Tydings
Case	Jackson	Morton	Williams (N.J.)
Church	Javits	Moss	Yarborough
Clark	Kennedy (Mass.)	Murphy	Young (Ohio)
Cooper	Kennedy (N.Y.)	Muskie	
Cotton	Kuchel	Nelson	

SENATORS NOT VOTING BUT ANNOUNCED FOR THE BILL: Carlson, Fong, McCarthy, Mansfield, Pastore

NEW SENATORS: Senators Griffin and Byrd (Va.) were not members of the Senate at the time of this vote. Senator Griffin was a member of the House of Representatives in 1965. He signed the Discharge Petition last year and voted for passage of the Sisk charter bill, which passed the House September 29, 1966.

# # #

Waeckerbarth

NATIONAL CONTINUING RESPONSIBILITIES

1966-1968

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES

PRICE 40c

League of Women Voters of the United States

[redacted]

National Program 1966-1968
Current Agenda

DEVELOPMENT OF HUMAN RESOURCES: Support of policies and programs in the United States to provide for all persons equality of opportunity for education and employment.

FOREIGN POLICY: Evaluation of U.S. relations with the People's Republic of China. Support of U.S. policies to enhance the peacekeeping and peacebuilding capacities of the U.N. system and to promote world trade and development, while maintaining a sound U.S. economy.

WATER RESOURCES: Support of national policies and procedures which promote comprehensive long-range planning for conservation and development of water resources and improvement of water quality.

Continuing Responsibilities

APPORTIONMENT OF STATE LEGISLATURES: Support of apportionment of both houses of state legislatures substantially on population.

DISTRICT OF COLUMBIA: Support of self-government and representation in Congress for citizens of the District of Columbia.

LOYALTY-SECURITY: Support of standardized procedures, "common sense" judgment, and greatest possible protection for the individual under the federal loyalty-security programs; opposition to extension of such programs to nonsensitive positions.

TAX RATES: Opposition to constitutional limitations on tax rates.

TREATY MAKING: Opposition to constitutional changes that would limit the existing powers of the Executive and the Congress over foreign relations.

NATIONAL CONTINUING RESPONSIBILITIES

1966-1968

Foreword

A Continuing Responsibility is a position of the League, a statement of League agreement, which the members wish to retain without expansion and upon which they wish to continue to act. Delegates to national Convention may adopt a Continuing Responsibility. Readoption at a succeeding Convention means that the members reaffirm the position exactly as it is and want to continue to be able to act.

CRs are somewhat like grown-up offspring, no less beloved than the Current Agenda (the children at home), but able now to stand on their own and usually requiring less time. They are different, however, in one respect: should League members wish to re-evaluate a position embodied in a CR, delegates can vote to put the item back on the Current Agenda. Then the members would restudy and vote to confirm or reshape the position.

Action is of two kinds: (1) developing public support for a League position; and (2) supporting specific measures or policies which promote a position, or opposing those which threaten it.

The national Board has the responsibility to decide whether certain legislation will advance or endanger a League position embodied in a Continuing Responsibility or in a Current Agenda item. The Board chooses the most effective time and the kind of action most likely to accomplish the League goal. Leagues and individual members also work continuously to promote public support: by persuading community leaders of the merits of a League position, by interesting friends and acquaintances in the issue and in the importance of citizen influence on the policy-making processes of government.

Successful action depends most of all on the understanding and enthusiasm of League members. The following pages are designed to set forth for you the national Continuing Responsibilities, the grown-up children of the League.

They belong equally to those members who helped bring them up and to the members who have recently joined the League family.

APPORTIONMENT OF STATE LEGISLATURES

Support of apportionment of both houses of state legislatures substantially on population.

What is the background for national League interest in reapportionment?

The reasons for League concern about malapportionment of state legislatures have their roots in the history and nature of the problem and in the changes in economic and political developments which took place during the twentieth century. Let us briefly review the beginnings.

Among the thirteen original colonies, representation in the legislative bodies was based substantially on population, either specifically or because the distribution of people was fairly uniform among the towns or counties. Later, as state constitutions were drafted, the equality of voter representation was not much distorted. Even in Delaware and New Jersey, where population per se was rejected in both houses as a basis for apportionment, severe imbalances did not result. Delaware's three counties, each to have equal representation, varied in population from about 19,000 to 20,500. New Jersey, in which the range among the counties to be represented was greater, provided in its constitution for adjustment of the number of members of the Assembly on the principle of more equal representation.

The Northwest Ordinance, adopted by the Continental Congress in 1787, provided that population should be the basis of representation in the territorial legislature of the area later to become the states of Wisconsin, Michigan, Illinois, Ohio, and Indiana. And for about 100 years after 1787, all states admitted to the Union provided in their constitutions for legislative representation principally on population. In the more sparsely populated rural West, legislative representation by counties did not much disturb the equality even into the twentieth century, for most counties were large enough to warrant a representative on the basis of population.

But by the 1920s, almost everywhere in the United States, the rising urban population began to distort the equality of legislative representation. In some states, the constitutional provisions stated that counties (or towns) should have at least one representative in one or both houses. In other states, the constitutions provided limits on the number of representatives from a single county in

one or both of the two houses. When these provisions were originally made, they produced reasonable equality of representation. However, population began to decline rapidly in rural areas and rise swiftly in the cities. Severe imbalances resulted. In other states, although the constitutions required reapportionment every ten years on the basis of population, the legislatures simply did not follow the constitutional mandates.

The resulting malapportionment of state legislatures led many state Leagues to adopt study items to examine and discuss ways to deal with it. By 1964 twenty-five state Leagues had Program items on apportionment, and nine others were engaged in constitutional studies of which the problem of legislative districting was a part.

In a Supreme Court decision in a case involving congressional apportionment, *Colegrove* v. *Green* (1946),[1] the statement was made that it is "hostile to a democratic system to involve the judiciary in the politics of the people." On this basis, federal district courts had refrained from accepting jurisdiction in cases involving inequities in legislative apportionment. State courts, too, generally failed to hand down decisions that would force legislatures to reapportion, although many of them noted in their decisions the failure of the legislators to follow the state constitutional mandates. Many people came to consider apportionment of state legislatures a state governmental issue to be resolved only by legislative procedures.

In 1962, however, the U. S. Supreme Court handed down an historic decision in *Baker* v. *Carr*.[2] This case arose in the state of Tennessee where the legislature had not been apportioned according to the state constitution since 1901. The plaintiffs held that their lack of equal representation in the legislature denied them the "equal protection of the Laws" guaranteed by the Fourteenth Amendment to the federal Constitution. The Court ruled that inequitable legislative apportionment might indeed violate the equal protection clause and that cases involving dilution of a citizen's representation in state legislatures were subject to adjudication in federal courts. The U. S. Supreme Court remanded the Tennessee case to the federal district court for appropriate remedy.

However, it was not until *Reynolds* v. *Sims* (1964)[3] that the Court spelled out the basis for legislative apportionment. It stated that "The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places

[1] See page 37 for all References.

as well as of all races." In the decision in *Lucas* v. *Colorado*,[4] the Supreme Court held: "An individual's constitutionally protected right to cast an equally weighted vote cannot be denied even by a vote of a majority of a State's electorate, if the apportionment scheme adopted by the voters fails to measure up to the requirements of the Equal Protection Clause."

What had been considered a state issue by so many now clearly became a national one. Where members had chosen the apportionment issue as a Program item, state Leagues had studied the problems: failure to reapportion, disregard of state constitutional requirements, the question of what agency should apportion, and/or the failure of state legislatures to respond to changing state problems. Each state League engaged in such studies had made its approach relevant to the particular situation in its own state.

The Supreme Court decisions created a flurry of activity in the second session of the 88th Congress. In August 1964, Senator Dirksen (R., Ill.), Minority Leader, and Senator Mansfield (D., Mont.), Majority Leader, co-sponsored an amendment to the foreign-aid authorization bill. The proposed rider[5] would have stayed court action in apportionment cases until January 1966 and would have provided also a "reasonable time" for legislatures to conform. In the House, Representative Tuck (D., Va.) sponsored a bill to deny to federal courts any jurisdiction over state legislative apportionment.

Why did the national League adopt this study?

In the absence of national study and consensus, state Leagues — many of them committed for a long time to apportionment positions and having impressive records of active work in the area — were unable to take action with their representatives and senators in Congress on the Tuck bill or the Dirksen amendment. Many had filed briefs in the federal courts, had completed arduous state-wide petition campaigns for reapportionment, or had worked hard and long for state apportionment legislation.

In addition to the activities of congressmen, there were new developments at the state level. State legislators were introducing resolutions memorializing Congress to: (1) amend the U. S. Constitution relative to jurisdiction of federal courts in the field of apportionment, or (2) to call a constitutional convention for submitting an amendment to allow one house to be apportioned on

factors other than population. In January 1963 and again in January 1965, the national League Board gave limited authority to state Leagues having apportionment positions to oppose in state legislatures such memorial resolutions. But there was no authority for them to talk to representatives or senators in Congress. There had been no national study, no agreement among the Leagues over the nation. Moreover, those Leagues having made state studies of legislative apportionment varied in position one from another. Diverse approaches to congressmen could only result in confusion as to what the League supported. Thus, over 30 state Leagues which had worked so diligently for solutions to malapportionment were unable to speak for or against amendments proposed in 1964 and early 1965, proposals which had direct bearing on their state positions.

Understandably, a great many state Leagues felt frustrated by their inability to act at the national level. They began sending requests to the national Board for a solution to their dilemma. After careful consideration of the problem and much exploration of League thinking over the country, the national Board sent out, in the January Board Report of 1965 and in a memorandum of February 1965, advance notice that it was considering the proposal of an emergency item on apportionment at the Council meeting in May. All Leagues could discuss the possibility before that time and let Council delegates know their views. Copies of proposals that had been sent by several state Leagues to the national office were also sent out in early March to local and state Leagues.

At the Council meeting in May 1965, the national Board proposed the adoption of an emergency item so that all Leagues might study and come to consensus on the *basis* of apportionment for state legislatures. If the Leagues could agree on the basis, they could then act with one voice to support or oppose proposed constitutional amendments. The Council delegates voted to adopt the emergency item: "Apportionment of State Legislatures: Evaluation of the basis of representation, as determined by federal constitutional and statutory provisions, which shall govern the apportionment of state legislatures."

What did the League learn from the study of apportionment?

The nature of the study, the almost immediate possibilities for effective League action, the prior study of more than 30 state Leagues, the timeliness of the issue, and the wealth of current

materials in the news media, magazines, books, congressional hearings, and speeches — all these made the emergency study and proposed deadline of January 1, 1966, for reporting consensus not only possible but exciting.

League members learned that state legislatures had become more and more malapportioned over the years. They learned that, in over half the states, majorities in one or both houses of bicameral legislatures represented less than one third of the state's population. They discovered what many members had found in their state studies: remedies for inequitable apportionment were difficult to achieve. In most states, legislatures themselves did the reapportioning. Since the majority of the legislators were responsible to a minority of the population in so many states, legislators were reluctant to redistrict. They might need to abolish their own seats or those of their fellow legislators from over-represented districts. As one state legislator aptly remarked, "If I have to have my throat cut, I don't want to hold the knife."

The Leagues explored the increasing gravity of the problem. Urban, and especially suburban, populations had grown. In both comparative and absolute terms, rural and small-town populations had declined. The needs and problems of metropolitan areas were largely ignored in state legislative halls. Urban areas were by-passing the legislatures to seek help from the federal government in the solution of their local problems.

League members explored bases other than population for legislative apportionment. They found it difficult to justify the singling out of any special interest or kind of population for over-representation. They asked themselves, "Did the variation from the average district permitted by many decisions of federal district courts provide latitude consistent with a population base to accommodate geographic or other special problems a state might have in determining boundaries of legislative districts?"

What is the League position on apportionment of state legislatures?

After careful evaluation of membership consensus reports, the national Board in January 1966 drew up the following statement of position:

> The members of the League of Women Voters of the United States believe that both houses of state legislatures should be

apportioned substantially on population. The League is convinced that this standard, established by recent apportionment decisions of the Supreme Court, should be maintained and that the U. S. Constitution should not be amended to allow for consideration of factors other than population in apportioning either or both houses of state legislatures.

Of overriding importance to the League in coming to this decision is the conviction that a population standard is the fairest and most equitable way of assuring that each man's vote is of equal value in a democratic and representative system of government. Other considerations influencing League decisions are that the U. S. Constitution should not be amended hastily or without due consideration because of an "unpopular" court decision, and that individual rights now protected by the Constitution should not be weakened or abridged.

Against the background of its long-standing interest in state government, the League also hopes that by maintaining a population standard state government may be strengthened by insuring that state legislatures are more representative of people wherever they live. Finally, the League feels certain that the term "substantially" used in Supreme Court decisions allows adequate leeway for districting to provide for any necessary local diversities.

What action has the League taken on apportionment?

In August 1965, while the Leagues were hastening to study their new item, a constitutional amendment proposed by Senator Dirksen (R., Ill.) as a substitute for minor legislation failed of a two-thirds vote. The proposed amendment provided that a state legislature be permitted to apportion one house on factors other than population. Later, in September 1965, the Senate Judiciary Committee reported without recommendation a modified version of the Dirksen Amendment (SJR 103). No further congressional action took place in the first session.

In January 1966, the League was ready for action. From then until the final vote on the Dirksen Amendment as amended, local and state Leagues and League members wrote their senators to urge them to vote against the proposed amendment. Local League members also worked diligently and imaginatively in their communities

to counteract the activities of the Committee for the Government of the People, which supported the Dirksen Amendment.

In April 1966, the Dirksen Amendment failed to pass by a vote of 58 for, 38 opposed (a two-thirds vote is required for constitutional amendments). That the League was singularly effective was indicated by many expressions on the floor of the Senate. Senator Douglas (D., Ill.), leader of the opposition in the Senate, sent a telegram to the 1966 national League Convention in Denver to express his thanks for League help. It said, in part:

> "Your work on this question was decisive in turning back the efforts to overrule the Supreme Court's defense on the basic right of equality of citizenship in the election of state legislatures.
>
> "Your work will go down in history as the crucial public support for this principle at a moment of great danger."

What lies ahead for the League on apportionment?

By mid-1966, 26 state legislatures had passed resolutions petitioning Congress to call a constitutional convention to draft an amendment permitting one house of a bicameral state legislature to be apportioned on factors other than population.[6] With 46 of the states either apportioned substantially on population or in the process of compliance with the Supreme Court ruling, there seems less likelihood in the up-coming state legislative sessions for passage of additional resolutions. However, in the last session, legislatures newly apportioned did pass such proposals, and only eight more are required to bring the total to 34 (the two thirds required for calling a constitutional convention).

Therefore, League members will be working at the national level in opposition to any future congressional proposals. They may also be working, under the guidance of state League Boards, to oppose in their legislatures any petitions to Congress which would permit apportionment of one house of a state legislature on factors other than population. They may also work to rescind such proposals submitted to Congress in the past. Should the number of petitioning states approach the required total, Congress might prefer submitting its own proposal to calling a constitutional convention. Therefore, it is most important that efforts be continued to oppose passage of any more petitions and to rescind petitions already submitted.

Those Leagues having state positions on other aspects of apportionment will continue to work to implement any state positions not in conflict with national League consensus on the basis of representation. The Supreme Court, in *Reynolds* v. *Sims,* delineates opportunities for diversity: "What is marginally permissible in one state may be unsatisfactory in another, depending on the particular circumstances of the case." [3] The Court goes on to suggest the possibilities for maintaining the integrity of political subdivisions, compactness, contiguity, periodic revision. Positions on these matters, as well as on the apportioning agency, size of legislative bodies, multi- or single-member districts, are held by many state Leagues.

Thus, if a state League has positions on specific facets of apportionment, it can act to implement them. When new apportionment plans are proposed, it can also act, under the authority of the national position, to support those that are based substantially on population.

It will be a time of challenge and change. Will the more representative legislatures be more responsive to the people? Will they be imaginative and effective in solutions of state-wide problems?

Robert B. McKay assesses the consequences of apportionment on the basis of population thus:

> "Reapportionment in satisfaction of the equal-population principle will not automatically correct all the weaknesses of the state and local legislative process — even if a consensus could be reached as to the nature of those deficiencies. Final assessment of the practical consequences of reapportionment must in large part await further experience following the return of the decision-making power to the hands of the majority . . ." [7]

DISTRICT OF COLUMBIA

Support of self-government and representation in Congress for citizens of the District of Columbia.

Why has the League directed attention to this issue?

When the League of Women Voters was organized in 1920, its members had just achieved full suffrage after a campaign beginning 72 years earlier. Since they had so long worked for their own right to vote, it was most logical that they should immediately turn their attention to the plight of the voteless citizens of the District of Columbia. In 1924, the League chose as one of its tasks, "District of Columbia Suffrage: to give the District representation in the Congress and the Electoral College. . . ."

Over the years, the desire for self-government was growing among citizens of the District, and the burden on Congress of administering the city's government was increasing. In 1938, the Convention therefore broadened the League's item to authorize support of the right of District citizens to self-government.

When the delegates to the Convention in 1954 voted to create the category, "Continuing Responsibilities," one of the eight adopted was: "Self-government for the District of Columbia; extension of national suffrage to the citizens of the District."

Delegates to the next three Conventions voted to retain this CR with no change in wording. The Twenty-third Amendment, ratified in 1961, gave the citizens of the District representation in the Electoral College. Partial national suffrage was thus achieved. The 1962 Convention, therefore, adopted the present wording; the 1964 and 1966 Conventions readopted the item unchanged.

In addition to the League's dedication to voting rights, there are other compelling reasons for the long-time interest in accomplishing the goals of this position. In all 50 states, League members in local communities work hard to improve their local governments. The purpose of the League, "to promote political responsibility through informed and active participation of citizens in government," serves to focus the members' concern on those in the nation's capital who are denied the opportunity for such participation.

Then, too, visitors from other nations observe closely conditions in Washington. They note the lack of voting rights in the very capital of a great representative democracy.

For these reasons, the League, believing in the "principles of self-government established in the Constitution of the United States," finds it hard to tolerate the failure in our country to provide for Washington representative local government and representation in Congress.

For citizens of the District to have self-government, Congress by a majority vote must pass enabling legislation. To provide for the District a voting representative in Congress, Congress by a two-thirds vote must pass a proposal for a constitutional amendment which must be ratified by three fourths of the states. Because the citizens of the District are not constituents on whom any congressman depends for re-election, they find it difficult to interest members of Congress in District suffrage. The League of Women Voters, with its continuing contacts with congressmen in most congressional districts, has the organization and experience for making known its concern. League members can work in their congressional districts and in their communities for support of legislation to restore self-government to the District and to give it representation in Congress.

What is the history of the problem?

Local self-government

The Constitution gives Congress the power to "exercise exclusive legislation" over the District. Between 1802 and 1874, Congress delegated local legislative powers to the city of Washington through its own elected city council. Washington had its own mayor from its incorporation in 1802 until 1871. At various times, the mayor was appointed by the President, appointed by the city council, or elected by popular vote. In 1871, Congress enacted a territorial form of government for the whole area of Washington and its environs (what is now the District of Columbia). The building of long-needed streets, sewers, water mains, and parks from 1871 to 1874 incurred a heavy city debt. Because of this and a legacy of problems growing out of the Reconstruction period following the Civil War, a group of District residents asked Congress to take over the local government and the debt. Congress agreed. Since 1874, the U. S. Congress has served as the city council for the District of Columbia, with three commissioners appointed by the President as administrative officers.

Only congressional legislation, not a constitutional amendment, is needed to give self-government to the District. In a 1953 decision, the U. S. Supreme Court said, ". . . there is no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power . . ." [8]

Every bill for District self-government has carefully protected the national interest by reserving to Congress its legislative authority. Moreover, Congress can always rescind or modify its own legislation, a bill for self-government for the District as well as any other bill.

The purely local affairs of District citizens are in the hands of congressmen elected by voters in other parts of the country. District taxpayers have no voice in the expenditure of local taxes they pay nor in the kinds or amounts of levies. Congress passes the bills which control the local sales taxes, income taxes, special levies on tobacco and liquor. Congress must appropriate the receipts from District taxes before any money can be spent to meet the needs of District citizens as they are interpreted by Congress.

To supplement the moneys raised by taxes in the District, Congress does contribute from national revenues. In the tax year 1965-66, the U. S. Government owned property constituting one third of the total assessed value of all lands and buildings in the District. Foreign governments (embassies, etc.) and educational organizations owning buildings for national headquarters hold an additional 10 percent. All of these properties are tax exempt. Property-tax revenues from over 40 percent of the possible tax base are thus lost to the District budget because Washington is the seat of the national government. The District also provides many costly special services necessary in the nation's capital — policing of federally owned parks and for parades and Capitol-centered activities, expensive bridges and streets that must accommodate commuters from thickly settled suburban areas, and the like.

Although at one time the federal contribution was as much as 50 percent of the District's operating budget, in the last 15 years the federal payment has ranged from less than 9 percent to slightly more than 14 percent — approximately 13 percent in 1965. This payment can be considered as a "payment in lieu of taxes," an arrangement not uncommon between governmental units.[9]

The District of Columbia is the one U. S. community in which a city ordinance must be enacted by a legislative process designed for

national and international affairs. Four congressional committees, the Senate and House District of Columbia Committees and the D. C. Subcommittees of the Senate and House Appropriations Committees, screen legislation for the District. Three commissioners appointed by the President for three-year terms carry out congressional directives and handle such local matters as congressional committees permit. The House and Senate of the United States decide, after full committee consideration, such purely local matters as hiring parking meter attendants, issuing dog licenses, control of weed patches. They also act upon matters that elsewhere state legislatures might authorize for cities, i.e., income-tax rates or general sales-tax rates. Having the Congress serve as a city council and legislature for the District is costly in both money and time.

Citizens of Washington have no voice in the operation of their schools. The nine-member school board is appointed by the District judges. By law, each member serves a three-year term, must have lived in the District five years before appointment; three members must be women. The judges have generally reappointed those members who wish to serve again, although in 1966 none of the three incumbents whose terms expired was reappointed. Most of the school-board members have no children attending District schools.

The fact that Negroes are a majority in Washington — 53.9 percent, according to the 1960 census — is said to be a significant factor in congressional and other opposition to home rule. Some critics of home rule express doubt about possible citizen apathy. Members of the League of Women Voters have indicated by their long-standing and overwhelming support of self-government for District residents that these doubts are not truly germane to the issue of full enfranchisement. League members have not accepted the arguments that because Washington is the capital of the nation, it should be governed exclusively by national legislation; or because the government of Washington is relatively free from graft and scandal, the present arrangement should continue. The League believes that citizens should have a voice in and responsibility for the management of their local affairs.

The particular kind of self-government provided for the residents should be their own determination, as it is in all local governments within the framework of their state laws. National League position is in support of the principle of self-government for the District. Since it affects their community, the members of the League of Women Voters of the District have studied the specifics. The District

League has positions on the kind of local government it believes most desirable, and has testified before Senate and House committees.

Representation in Congress

The District of Columbia is the only part of the continental United States in which citizens have no representation of any sort in Congress. However, according to the 1960 census figures, the District had a population of 768,700 — more people than in any one of 11 states. In 1964, according to Bureau of the Census figures, the per capita income in the District was $3,544, higher than that in any state. District residents pay their full share toward the federal budget. District citizens serve in the armed forces and meet all the obligations of United States citizens. But these citizens are not represented in any way in the Congress which governs them.

Because the Constitution provides for congressional representation only from states, a constitutional amendment is necessary to give District residents voting representation in Congress. Occasionally, congressional committees have conducted hearings for such proposed amendments, but little serious effort has been made to achieve passage.

From 1871 to 1874, when the District was governed under a territorial form of government, Washington had a nonvoting delegate in the House of Representatives. Nonvoting delegates have all privileges of the House except a vote: committee representation, right to speak on the floor, office staff and office space. A nonvoting delegate, like the Commissioner who represents Puerto Rico, might help achieve better legislation for the District, although he would not fulfill the right to the full representation that District citizens should have. He could work in the House to promote better understanding of District problems and to interest others in District legislation. Bills for self-government have traditionally included provision for a nonvoting delegate.

What is the League position on the District of Columbia?

The League of Women Voters of the United States supports self-government (home rule) and representation in Congress for the District of Columbia.

What action has the League taken under this position?

Through the years, the League has tried to develop public support for its position and has taken legislative action. Carrie Chapman Catt, who is remembered for her work in the long and finally successful battle for the vote for women, testified before the House Judiciary Committee in 1926 in favor of national suffrage for citizens of the District. Miss Belle Sherwin, as national president of the League, testified before the same committee in the '30s. Miss Anna Lord Strauss, national president from 1944 to 1950, appeared in her turn to speak for the League position. Other members of the national Board also have testified whenever an opportunity has arisen.

The League has supported self-government for the District in a long list of bills, each seeming at the time to be the strongest hope for advance toward the League goal. Six times the Senate has passed bills for self-government. In 1948, the House District Committee reported a home-rule bill to the House. The League then made a tremendous effort in communication between members and their representatives. But the House voted not to consider the bill. In 1960, the League tried unsuccessfully to persuade the necessary number of representatives to sign a discharge petition, which would by-pass the House District and the Rules Committees, to get the D. C. Home Rule bill to the floor of the House.

In 1965, a discharge petition, again supported by the League, did receive the necessary number of signatures. The House bill, companion to one already passed by the Senate, providing for a mayor-council form of government, came to the floor of the House. However, the House passed a substitute bill introduced by Representative Sisk (D., Calif.). It proposed a lengthy process involving two District elections; a board to draft a charter, reserving to Congress the right to amend the charter at any time and to the President the right to veto local legislative acts; and finally the right of disapproval of the citizen-approved charter by either the House or the Senate.

By mid-1966, the two houses had not yet achieved a final accommodation of the two vastly different bills.

Congress has made only occasional efforts to provide representation in Congress for the District (except for provisions for a non-voting delegate incorporated in home-rule bills). Therefore, the League has had little opportunity to work for this part of its position except for making statements before congressional committees.

What lies ahead for the League on self-government for the District?

Rep. Carl Albert (D., Okla.), majority leader in the 89th Congress, said about the legislative process in action:

> "In our society with its democratic system of government it generally takes from 5 to 25 years for a great issue to develop from a 'need for legislation' to an 'act of legislation' . . . In most cases, however, legislation is the sum product of the President, the Congress, and the country." [10]

The League's most productive role in shortening the time from the "need" to the "act" is to develop public support for enfranchisement of District citizens. Many people are not aware of the need in the District for local self-government and representation in Congress; in fact, many do not really understand the relationship between the government of the city of Washington and the federal government. Local Leagues can provide accurate information in their own communities. Patient and persistent efforts to build public support for full rights for the citizens of the District can develop public concern and can shorten the long time already elapsed between the "need" and the "act."

When there is an opportunity for the League to be effective in the passage of legislation, the national Board will keep League members informed so that they may act to achieve this oldest of the League's Continuing Responsibilities.

LOYALTY-SECURITY

Support of standardized procedures, "common sense" judgment, and greatest possible protection for the individual under the federal loyalty-security programs; opposition to extension of such programs to nonsensitive positions.

Why did the League adopt a study in the area of loyalty-security?

Since its inception, the League has been concerned with the importance of individual liberty. At the beginning of World War II, an explanation was made of a Program item adopted for 1940-42; the following excerpt states very well the reason for concern:

> Necessarily one of the assumptions of the Program of the League of Women Voters is that there should be freedom of speech, assembly, and press. A Program of political education could not be carried out in the absence of such freedom. The everyday activity of the League over a twenty-year period is the best testimony that the League of Women Voters has an appreciation of the importance of an environment free of undue restrictions on the actions of the individual. In times of unrest and fear, there is always danger that civil liberties will be unreasonably restricted. The League is aware that such dangers exist today.

League Program during World War II included an item on "the preservation of the greatest degree of civil liberty consistent with national safety in War." At the national Conventions of 1948 and 1950, delegates expressed concern over the "grave problems that have arisen, affecting our system of individual constitutional liberties."

Under Voters Service, League members over the country from 1951 to 1954 held vigorous discussions on individual liberties. But, as the cold war went on and conspicuous and disturbing examples of the violation of individual rights continued, a Voters Service program of public education did not seem to be enough.

The League in 1954 adopted a Program item of "development of understanding of the relationship between individual liberty and the public interest." During the next two years, and in cooperation with other civic organizations, the League participated in the "Freedom Agenda" program, an exciting series of community discussions of various aspects of the Bill of Rights and individual liberties. In order to develop a better understanding of the optimal combination of

"security" and "liberty," the League and the community studied and discussed congressional investigations, the federal loyalty programs, freedom of speech, problems of sedition.

With this background of study and discussion on the broad range of individual liberty issues, the members felt the League could now make a more effective contribution by focusing on one area. At the 1956 Convention, the delegates adopted the Current Agenda item, "Evaluation of the federal loyalty-security programs with recognition of the need for safeguarding national security and protecting individual liberties."

What did the League study?

The five federal loyalty-security programs — Government Employee, Atomic Energy, Industrial Security, Port Security, Military Personnel — had all been established to prevent employment of loyalty or security risks in federal government or defense jobs. They had been inaugurated during the '40s and '50s to cope with the danger of Communist infiltration of government and defense establishments. By 1956, the programs had grown until they covered an estimated 10 million people. Many critics charged that the size of the programs was unwieldly, the administration uneven, the safeguards inadequate for the constitutionally guaranteed rights of employees.

In their two-year study, League members considered the Communists' method of infiltration and espionage to gain access to governmental, scientific, and industrial secrets. They explored such matters as the effect of partisan politics on the development and retention of the programs. They sought to determine what responsibility for the federal loyalty-security programs is appropriate for each of the three branches of government — the Executive, the Congress, the federal courts. They asked: what effect do loyalty-security programs have on individual liberties?

The League publication, *Liberty and Security* (October 1956), discussed these considerations and outlined the structure and stages of the programs, and their objectives, standards, and criteria. It examined the five procedures for security clearance: investigation (security questionnaire and investigation, and the full field investigation); screening; hearing; appeal or review (except in the Federal Employee Program); and the final determination. Criticisms, pro and con, of the loyalty-security programs were examined and discussed.

- Did supersecrecy retard scientific and technological advancement? What effect did the security system have on the morale of government employees? Should all State Department jobs be classified as "sensitive"? Were employees often motivated to be "safe" in their reporting rather than analytical? Was it possible to determine which jobs afford opportunities for a genuine threat to national security?
- Was there violation of the U. S. legal traditions of separation of powers, due process, and presumption of innocence until proven guilty? Should one have the same legal rights in security proceedings as in a court trial, or, because the loyalty-security system was intended to prevent rather than to prove a subversive act, should presumption of innocence not apply? Would government sources of information vanish if informers had to appear before the accused employee, or should nothing interfere with an individual's traditional right to confront his accuser? Did present or former affiliation with organizations on the Attorney General's list indicate subversive tendencies, or was guilt by association an unfair judgment on otherwise well-qualified persons?
- Did the loyalty-security programs discourage the free inquiry and criticism natural in a diverse culture? Did they fail to distinguish between dissent and disloyalty? Or infringe unnecessarily upon our democratic tradition of the right of privacy? Were the procedures dulling the national sense of fairness and justice? Or because of the nature of the Communist threat, must we accept changes in our traditional practices?

In addition to the pamphlet, *Liberty and Security*, and a chart comparing the five programs, the members read numerous books and articles, reflecting a wide range of opinion and covering also related subjects: Communist tactics, constitutional rights, case histories of loyalty-security risks. League members also interviewed security officers, government personnel, political science professors, constitutional lawyers, congressmen.

What did the League learn from the study?

The findings of the League's careful study of the Government Employee security programs can be grouped into four divisions. (In general, the Atomic Energy, Industrial Security, Port Security, and Military Personnel programs follow a similar pattern.)

- *Classification and Extension.* There seemed to be a marked tendency in government to overclassify information. Overclassification tended to extend intensive security investigations into areas and jobs that were not related to national security. The results were unnecessary restriction on personnel and less free flow of information among agencies, which actually impaired both efficiency and national security. The choice lay between a more effective security system in critical posts or a less effective one in all.
- *Coordination and Supervision.* There was a lack of over-all coordination or supervision of government employee security systems. Rulings among the agencies on similar matters differed. Decentralization led to delay and red tape, instead of to promotion of national security.
- *Standards and Criteria.* The security standard for screening was whether a person's employment was "clearly consistent with the interests of national security." Considered first were criteria relating to such factors as sabotage, espionage, treason, sedition, advocacy of forcible overthrow of the U. S. government, membership in organizations on the Attorney General's list, unauthorized disclosure of security information. Other criteria related to character — from general criteria about reliability or trustworthiness to "habitual use of intoxicants to excess, drug addiction, or sexual perversion." Security standards did not prescribe that favorable aspects be weighed along with the unfavorable information; therefore, in the process of evaluation, unfavorable aspects were more likely to be emphasized.
- *Procedural Safeguards.* The most frequently criticized procedure was one which denied employees the basic constitutional right of confrontation. One of the most prevalent charges by anonymous informants was that the employee had belonged to an organization on the Attorney General's list or had association with someone who belonged. While such membership was not intended to be interpreted as positive proof of unfitness for government service, too often this association appeared to be made. For the federal employee, there was no "outside" review board to which he could appeal. His only recourse was to ask the head of his department or agency to review his case.

What is the League's position on loyalty-security?

After a year and a half of study, most Leagues had agreed on a

wide range of improvements, which were reported to the national Board. From all the information coming in, the national Board formulated the statement of position and this explanation, issued January 17, 1958:

> In the interest of strengthening national security and maintaining our traditional concepts of freedom, the League of Women Voters of the United States believes that the federal loyalty-security programs should be modified so as to:
>
> 1) limit the coverage to sensitive positions and provide for more realistic classification of information;
>
> 2) institute more uniform procedures in the administration of the programs;
>
> 3) apply a "common sense" standard in judging the individual;
>
> 4) develop procedures which will provide the greatest possible protection for the individual.
>
> *Limited Scope:* The League believes that national security and individual liberty would both benefit by limiting the coverage of the loyalty-security programs to sensitive positions. In order to assure that the number of sensitive positions be kept to a minimum, there should be regular review of job sensitivity as well as of classified information, with objectives of declassification wherever possible.
>
> The League also opposes any extension of the programs, such as proposals to cover employees of the legislative or judicial branches of the government or to private employees in defense-related industries.
>
> *More Uniformity and Coordination:* The League believes there is need for greater uniformity and consistency in interpreting and administering policies, in clearance and screening practices of agencies, and in the classification of material.
>
> *"Common Sense" Standard:* The League believes that a "common sense" judgment should be made in determining whether an individual is a loyalty or security risk. Rather than adhering to hard and fast rules, a balanced judgment should be reached only after due weight has been given to all evidence, to the nature of the position, and to the value of the individual to the government or industry.
>
> *Procedures:* The League believes that the programs should give greater protection to the individual, whether an employee or an applicant for employment. These protections should include the right to confront one's accuser, with the exception of regularly established confidential informants; the right to subpoena witnesses; the right to counsel; the right to know the exact nature of the charges; the right of appeal. Pending resolution of his case, the accused should be shifted to a nonsensitive position during the investigation or else suspended with pay.
>
> *Attorney General's List:* The League believes that the Attorney General's list should not be used unless extensive revisions are made, such as including in the list the origins of each organization, its history and aims, as well as the period and general nature of its subversive activity. Also, the list should be revised periodically and kept up to date.

This position was reaffirmed by Convention delegates when they transferred loyalty-security from the Current Agenda to the CRs in 1958 and readopted it at each succeeding biennial Convention. In 1964 and 1966, delegates retained it by more than a three-fifths vote.

What action has the League taken on loyalty-security?

The League had hoped to work for positive major improvements in the federal loyalty-security programs. Such a role seemed probable when the Commission on Government Security was created in 1957 to analyze current programs and propose reforms. But the proposals, released much later than anticipated, were so complicated and varied that the security legislation proposed to implement the recommendations has received no serious attention in Congress.

Therefore, the League's action under its position has been to "hold the line" and to work to prevent congressional action from undoing the effects of two major U. S. Supreme Court decisions bearing on two aspects of League position: 1) scope of the programs and 2) confrontation rights for the individual employee.

1) *Scope of the Programs.* In June 1956, during the beginning of League study of the newly adopted item, the Supreme Court heard the case, *Cole* v. *Young,*[11] involving the discharge of a food inspector for the Food and Drug Administration. The Court ruled that summary suspension and removal of employees on security grounds applied only to those in "sensitive positions," those designated by the head of any department or agency in which the employee "could bring about, by virtue of the nature of the position, a material adverse effect on the national security." The effect of this decision was to limit significantly the scope of the Government Employee security program.

Soon after the decision in *Cole* v. *Young,* legislation was introduced in Congress calling for re-extension of the security program to all government employees, whether in sensitive or nonsensitive positions. Proponents of such legislation continued their efforts without success throughout 1957 and 1958. In February 1958, after the announcement of the League's position, the national Board sent out a Time for Action to oppose legislation re-extending the security program to nonsensitive positions. League action continued throughout the summer of 1958. The threat of lengthy Senate debate in the closing days of the 85th Congress prevented final action.

Similar legislation appeared in the 86th Congress, and the League testified in opposition at House committee hearings in 1959. However, there seemed no enthusiasm in Congress for pushing the legislation. A change of mind of several House committee members, and strong opposition by the League and other groups, was responsible for the fact that the bill died in committee at the close of the 86th Congress. In the last several sessions, Congress has not made serious efforts to re-extend the security program to nonsensitive positions.

2) *Confrontation rights for the individual employee.* In June 1959 the U. S. Supreme Court ruled in *Greene* v. *McElroy* [12] that neither Congress nor the President had authorized an industrial security program under which a person could be deprived of his job without the traditional safeguards of confrontation and cross-examination. Greene was an aeronautical engineer and vice president of a firm producing goods for the armed services. In 1953, by an order of the Secretary of the Navy, he was denied access to any part of the company's plants where classified projects were being carried out and was denied access to any classified information. Greene had previously been cleared on several occasions and had worked for his firm for a period of 16 years. Since in his work he dealt exclusively with these research projects, his company had no choice but to discharge him. No hearing had preceded his notification. The Court held he could not be deprived of his job without proceedings safeguarding his rights of confrontation and cross-examination.

In February 1960, an Executive Order revising industrial security procedures was issued. With certain exceptions, it established the general rule that anyone covered by the program had the right to confront and cross-examine his accusers.

Several times before and since the Executive Order of 1960, bills to negate the *Greene* v. *McElroy* decisions have come before Congress, either without hearings and/or under suspension of rules, allowing no time for the League to work in opposition. Thus far, these efforts have failed. In recent Congresses, such bills have been neither reported out of committee nor brought to the floor.

In the first session of the 89th Congress (1965), the Senate Judiciary Subcommittee on Constitutional Rights was instructed to make a survey on how the loyalty-security programs were being administered by various departments and agencies. The survey and hearings concerned themselves primarily with invasion of privacy through the use of psychological tests and wiretapping. Legislation from these hearings has not as yet developed.

In May 1966, under authority of the League position in opposition to extension of loyalty-security programs to nonsensitive positions, the national League sent a letter to the director of Community Action Programs of the Office of Economic Opportunity to protest a policy statement in its employment and recruitment practices: "Manifestations of disloyalty to the United States, membership in subversive organizations . . . are inconsistent with employment in a community action program." The League letter says, in part: "We should like to protest this extension of security precautions to a governmental program which could not be construed as 'sensitive' relative to national security. It is our hope that the personnel policy for the Community Action Program be reconsidered and changed."

What lies ahead for the League on loyalty-security?

The position of the League is limited to the five federal loyalty-security programs and to opposing extension of the program to nonsensitive positions in federal employment. Therefore, League activity has been, and probably will continue to be, directed to "holding the line" and working to prevent congressional action from undoing the effects of *Cole* v. *Young, Greene* v. *McElroy,* and other subsequent related Supreme Court and federal court decisions. Furthermore, the League can work to oppose extension of loyalty-security programs to nonsensitive federal positions.

In 1964 and 1966, the national Board recommended dropping this CR in the interests of a shorter national Program. The debate and readoption of the loyalty-security item by more than a three-fifths vote indicated that delegates to the 1966 Convention believed that a climate of opinion, in a time of heightened tension, might lead to renewed activity and pressure for passage of legislation counter to the League's long-held position on loyalty-security.

TAX RATES

Opposition to constitutional limitations on tax rates.

How did this issue become a matter for League consideration?

From its very beginning, the League at local, state, or national levels has studied taxes and expenditures; fiscal requirements and operations; resources of municipalities, counties, towns, school districts, state and national governments. With its interest in improvements in services, the League early began to look at revenue sources and efficiency in fiscal management for funds to support programs.

One of the national League's earliest interests was "reform of tax systems to provide adequate revenue for essential services through an equitable distribution of the tax burden." Study and discussion led to a League position of support for a system of progressive taxation based on ability to pay.

The depression of the '30s and later the rise in governmental expenses and debt incurred by World War II again turned League attention to adequate financing and to the need for a tax program that would take into account control of inflation and a fair distribution of the tax burden. These studies of fiscal policy led to examination of the federal budget, an active Program item from 1948 to 1952.

Since the depression of the '30s, federal expenditures have accelerated under demands for more expensive military equipment; need for more domestic programs; expenditures for the kinds of improvements needed to accommodate an expanding population — roads, dams, advanced education, research; increasing aeronautical and space research; and many demands relevant to the responsibilities of an affluent nation and a great world power. As a protest against both rising governmental costs and the graduated rate in the federal income tax, some groups in the United States have worked in various ways during the past 30 years for a federal constitutional amendment to abolish or limit the income tax. Early efforts tried to freeze into the Constitution a ceiling, usually 25 percent. More recent attempts have pursued, as part of a package, complete elimination of the income tax.

Two methods of amending are provided in Article V of the federal Constitution. Under the one that has been used exclusively to date, Congress proposes an amendment by a two-thirds vote in both houses and then submits it to the states, three fourths of which must ratify for final adoption.[6] Over the years, many resolutions have appeared in Congress to limit the income-tax rate or to repeal the Sixteenth Amendment, which permits the federal government to levy an income tax. However, these proposals have engendered little response among congressmen. It is highly unlikely that two thirds of both houses would support either type of proposal.

Proponents of a ceiling on income-tax rates or complete abolition, therefore, began in 1939 to attempt the second method of amending the Constitution, which provides that Congress "on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments." The amendments proposed by such a Convention would require subsequent ratification by three fourths of the states but would not require congressional passage. From 1939 to 1960, about 30 states passed such resolutions. However, the precise count is uncertain because some petitions are differently worded, some have been rescinded by later legislatures, some have been vetoed by Governors.[13] A more recent attempt, still continuing, has been to pass resolutions in state legislatures asking for the outright repeal of the income-tax amendment.

In pursuit of this goal of complete repeal, groups in the last several years have concentrated on a package proposal, the so-called "Liberty Amendment." It would: 1) repeal the Sixteenth Amendment; 2) ban the government from engaging in any business, professional, commercial, financial, or industrial enterprise except as specifically stated in the Constitution; and 3) require that federal and state constitutions and laws shall not be made subject to any foreign or domestic agreement which would abrogate the terms of this resolution. (Section 3 involves League position in opposition to constitutional limitations on existing powers of the Executive and Congress over foreign relations.)

In 1944, the League Program, which was organized with divisions different from the current ones, had on its "Active List" an item on taxes. At the post-Convention Board meeting, the national Board authorized state Leagues to oppose in their state legislatures resolutions toward constitutional tax limitation. Nine years later the matter of tax limitation once again became lively.

At the 1953 national Council meeting, the president of a state League told the delegates that in her state the legislature was considering a resolution petitioning Congress to call a constitutional convention for the purpose of drafting a federal constitutional amendment to place a percentage limitation on tax rates (income, gift, inheritance). The state League had a position on state taxes which supported a tax system based on ability to pay and the use of the income tax as far as possible. However, the proposed resolution violated the League's national Platform policy supporting "adoption of an equitable and coordinated system of federal, state, and local taxation." Since the resolution dealt with a national matter, the state League believed that it could take no action in its state legislature without national Board permission. Could state Leagues be authorized to act in opposition?

Other state League delegates to Council, including many from Leagues which had worked or were working on problems of taxation in their states, were in favor of the suggestion. In May 1953, the national Board authorized action in these terms:

> The situation has been confusing to many Leagues since *federal* policy and ultimate amendment of the *federal* Constitution is involved, but the method taken to date requires action on resolutions introduced in state legislatures prior to federal action. . . .
>
> Now state and local Leagues can oppose such a proposal in their state legislatures if their membership is adequately prepared. It is not necessary in order to take such action for a state or local League to have a tax item on the agenda since it is a federal matter. Some states, of course, will have no occasion for such state action. . . .
>
> League opposition to this legislation is based on two important grounds:
>
> 1. The inadvisability of freezing into the Constitution an arbitrary percentage limitation of federal income taxation. Questions of this character should be handled through statutory measures.
> 2. A maximum percentage on income taxation violates the principle of "ability to pay." It is clear that other forms of taxation not based on the ability to pay, such as excise, would be necessary to replace revenue loss.

At the 1954 Convention, delegates adopted eight CRs, among them "Opposition to constitutional limitation on tax rates."

What had the League studied and learned?

From its many local and state studies, as well as from its national studies, the members of the League had learned that necessary services require sufficient revenue. They had decided that tax systems should be flexible, ability to pay should be a consideration in establishing tax sources, tax revenues should take into account control of inflation. League members came to believe that rigid constitutional controls defeat the exercise of judgment to which Congress is committed by Article I, Section 8, of the federal Constitution. Article I, Section 8, reads in part:

> The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; . . .

Article I, Section 9, states in part: "No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken." The Supreme Court in 1895 had interpreted this sentence as prohibiting the levy of an income tax. By 1913, Congress had passed the Sixteenth Amendment, and all but three states then in the Union had ratified it. This amendment specifically permits the federal levy of an income tax.

What is the League position on tax rates?

The basis for League opposition to constitutional limitation on tax rates was outlined in the May 1953 memorandum quoted on page 26. In the May 15, 1953, NATIONAL VOTER, a further explanation states:

> Placing a percentage limitation in the Constitution by drastically restricting the federal government's power to tax would dangerously limit the government's scope of operation. It should be possible to change tax policy to meet the needs of the time through the more flexible legislative route.
>
> Furthermore any such percentage limitation strikes at the whole principle of taxes based on the ability to pay . . . The result would be either extremely drastic cuts in governmental operations, tremendous federal deficit, or use of other sources of revenue, such as a federal sales tax, which is generally considered regressive, i.e., affecting those least able to pay.

In addition to authorizing action at the national level, the tax-rate CR permits a state League to oppose in its legislature resolutions designed to limit the federal income-tax rate by constitutional amendment or to repeal the Sixteenth Amendment. A state League may support rescinding of such resolutions previously passed.

At every League Convention since 1954, the League has reaffirmed its support of this CR as now worded. At the 1960 Convention, the national Board proposed dropping it in the interests of a lighter work load; but the delegates, by more than the two-thirds vote then required, voted to retain it. The pleas of those state Leagues that had been opposing the "package deal" in their own legislatures and the overwhelming vote demonstrated that member support of this position overrode the wish to shorten League Program.

What action has the League taken on tax rates?

Because Congress has not seriously considered proposing a constitutional amendment to limit or abolish the federal income tax, the League has not needed to act at the national level. However, legislative or popular support of a measure calling for a constitutional convention to limit tax rates or to repeal the income tax amendment has arisen in several states. Some state Leagues have worked through key legislators to prevent introduction of such resolutions. Some state Leagues, through statements before committees and through enlisting the help of other organizations or citizens, have worked to kill the resolutions in committee. Other state Leagues have worked to discourage passage on the floor. A few Leagues have distributed their own popular flyers to alert the public. Many Leagues have distributed to their legislators U. S. Senate Document No. 56 (1964), a report by Senator Hayden (D., Ariz.) on the "Liberty Amendment."

By mid-1966, legislatures of only seven states — Georgia, Louisiana, Mississippi, Nevada, South Carolina, Texas, and Wyoming — had passed in identical resolutions the so-called "Liberty Amendment." Efforts of a well-financed group continue to bring about its introduction in a number of other state legislatures. The state League is often the only organization aware of and ready to oppose the resolution. In 1963, it was introduced in 26 state legislatures. These attempts seem to have diminished somewhat. Nevertheless, in the 1965 legislative sessions, twelve state Leagues reported that they had taken various kinds of action in opposition.

What lies ahead for the League on tax rates?

Action will continue to be most likely in state legislatures. Because such resolutions are sometimes introduced quickly and quietly, state Leagues need to be alert during legislative sessions. In some areas, work is continuing to enlist popular sympathy for passage. In 1966, a number of communities reported the distribution at income-tax time of a tabloid promoting the "package deal" and the canvass of candidates in state primaries to endorse the "Liberty Amendment." These efforts to gain public support need careful watching. State Leagues may take such action as their Boards think advisable in accord with League position.

That Congress should pass a joint resolution to repeal the income tax or limit its rate by constitutional amendment seems highly unlikely. Should a very large number of state legislatures submit petitions, however, Congress would undoubtedly prefer to draft and pass its own amendment to submit to the states for ratification [6] rather than to call a constitutional convention, which might consider a number of other proposals for amendment as well.

Should there be serious consideration in Congress to repeal the income tax or limit the tax rate, the national Board would direct whatever action might be most effective to preserve the League position. For several years, at the beginning of each session, the so-called "Liberty Amendment" has been introduced in Congress. It has never yet been reported out of committee.

TREATY MAKING

Opposition to constitutional changes that would limit the existing powers of the Executive and Congress over foreign relations.

Why did the League consider this issue appropriate for League attention?

In the years between the early '20s and the early '50s, the League had taken stands in support of a number of international organizations. Members of the League believed that isolation is neither possible nor desirable in the national interest. They believed that citizens should unite and work for every constructive effort toward permanent world organization for peace. The League had worked specifically for U. S. participation and membership in:

- The permanent Court of International Justice
- The League of Nations
- The United Nations
- The World Bank
- The International Monetary Fund
- International control of atomic energy
- The General Agreement on Tariffs and Trade (GATT)

As participation in international institutions increased after World War II, more and more citizens and some members of Congress expressed concern over how far nations could cooperate or join in international agreements without losing exclusive control over their own affairs. Some of the anxiety arose from misinformation and ignorance, some from genuine and informed concern for the interest of the United States. Some people feared that covenants discussed in the United Nations — genocide, human rights, health, freedom of information — would interfere with U. S. domestic concerns and might jeopardize rights of citizens guaranteed by the federal Constitution. Others believed that the federal government was using treaties deliberately to increase its jurisdiction over affairs ordinarily regulated by the states.

Early in 1952, Senator Bricker (R., Ohio) introduced in the 82nd Congress a resolution to amend the sections of the Constitution dealing with treaties and other powers of the federal government over foreign relations. The Senate Judiciary Committee held heated but unpublicized hearings. The proposal was not reported out of committee. Even before the hearings were held, THE NATIONAL VOTER of March 15, 1952, carried an article, "Treaty Power under Scrutiny," explaining the proposed amendment and what supporters and opponents were saying. NATIONAL VOTERS published in June 1952 and March 1 and March 15 of 1953 continued the discussion. An April 1953 legislative newsletter, "Report from the Hill," included excerpts from committee testimony.

The national Convention had not placed this issue on the Current Agenda in 1952, for at that time the national Board was empowered to "select measures for action from the Platform if an opportunity arises to do work on a measure which is in conformity with the Platform." At the May 1953 Council meeting, discussion took place over the relationship of the proposed Bricker Amendment to League positions on foreign policy. At that time, the Council asked the national Board to alert local Leagues on the issue "with a view to reaching membership agreement in the near future." The national Board asked the Leagues to study and send to the national office before January 1954 the results of their discussions, so that the national Board then meeting might determine whether or not agreement had been reached.

What did the League study and learn?

The Bricker Amendment went through a number of revisions. Favorably reported from the Senate Committee on the Judiciary in June 1953, the third and most controversial version contained three main sections:

Sec. 1. A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

Sec. 2. A treaty shall become effective as internal law in the United States only through legislation *which would be valid in the absence of a treaty*. (Emphasis added.)

Sec. 3. Congress shall have the power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be subject to the limitations imposed on treaties by this article.

Public discussion and the League study evolved around several issues. It was, of course, necessary to know and understand treaty

making. The League made a thorough study of how treaties and international agreements come about. The following are the kinds of questions the League considered in its study:

- Under the Constitution, are the President's powers over treaties and foreign affairs too broad and flexible for the best interests of the United States? Or are the existing constitutional provisions sufficient safeguards? [14]
- Should the existing procedure be replaced by a five-step method which was considered and rejected as too cumbersome by the authors of the Constitution: negotiation by the President, approval by the Senate, passage of a bill to adopt in the House, passage of the bill to adopt in the Senate, signature of the President?
- Was the "which" clause in Section 2 of the proposed amendment advisable — that Congress could pass no law to carry out a treaty about a matter that in the United States was a subject for state legislation? Or are the constitutional rights of states and citizens sufficiently protected by the Supreme Court? [15]
- If the "which" clause in Section 2 were accepted, what would happen to matters now subject to treaty but under state control when domestic — extradition of persons wanted for trial; commercial rights of citizens; double taxation; regulation of fisheries, migratory birds, and wildlife; and many others?
- If treaties on such subjects would be valid only by action of legislatures of individual states, would the United States be operating under conditions like those that existed under the Articles of Confederation?
- Would the national interest be better protected if executive agreements with foreign powers or international organizations were fewer in number and subject to congressional rules? Or would such regulations interfere with the President's long-established right to act on routine as well as on urgent foreign matters? Would such regulations change the balance of powers now constitutionally established between executive and legislative branches?
- Is a constitutional amendment necessary to: (1) protect the United States against delegation of authority to international agencies; (2) preserve the balance between federal and state governments; (3) ensure for the individual the rights guaranteed by the Constitution? Or would the amendment actually provide no more guarantees than already exist under the Constitution and make more difficult our working with other nations to build a more peaceful world order based on international law?

What is the League's position on treaty-making powers?

The League's five-point position on treaty-making powers set forth in a letter of January 13, 1954, to President Eisenhower shows the agreement to which League came from its study and discussion of the questions:

1) The power of the national government to conduct foreign relations must be maintained as provided in the Constitution. The Bricker Amendment would deprive the national government of its full power to carry out treaty obligations in important areas of national policy and would leave to the states the choice of implementation.

2) The constitutional system of checks and balances between the executive and legislative branches of the national government must be safeguarded. The Bricker Amendment would alter the traditional concept of the balance of powers by removing functions from the Executive and transferring them to the Congress. It is essential that the President retain his authority to fulfill his constitutional responsibility to act in times of national emergency as well as in the day-to-day conduct of foreign affairs.

3) The negotiation and ratification of treaties should not be made more cumbersome. The Bricker Amendment would hamper our present treaty-making procedure, already surrounded by constitutional and legislative safeguards, by adding steps which would cast doubt on the ability and willingness of the United States to carry out its international obligations.

4) The interests of the United States are best served by a foreign policy based on the principle of international cooperation. The Bricker Amendment would impair this principle. It is based on fears that the U.N. Charter and other international agreements could invade our constitutionally protected individual and states' rights. The League of Women Voters does not share this fear.

5) The Constitution should be amended only when need is clearly shown. This need has not been established.

One of the eight CRs adopted at the 1954 Convention was, "Opposition to constitutional changes that would limit the existing powers of the Executive and Congress over foreign relations." Each successive biennial Convention has reaffirmed League position by retaining the CR in the same wording. At the 1960 Convention, the national Board proposed dropping this CR in the interests of a shorter Program. The delegates, by more than the two-thirds vote then required, voted to retain it.

What action has the League taken on treaty making?

The League's first action was to develop informed interest. A copy of THE NATIONAL VOTER of March 1, 1953, containing pro and con arguments, "Bricker Amendment to the Fore," went to each member of the Senate. In May 1953, a post-Council memorandum reminded local Leagues that they could inform their communities about this issue, provided both sides were represented, and could suggest that individual League members and other citizens express their views to their senators.

After reaching consensus in January 1954, the League worked actively for the defeat of such amendments, beginning with the letter stating League position to the President on January 13, 1954, and similar letters to all senators. A Time for Action went to state and local Leagues. The Bricker proposals and all like resolutions were defeated in February 1954.

During the next four years, although public interest in passage of such resolutions decreased, several similar proposals were introduced in Congress. All were defeated. The League testified in opposition at subcommittee hearings in 1955. From 1956 through 1958, there was League action both by state Leagues and League members and by the national League in committee hearings.

Comparable resolutions introduced in succeeding Congresses received so little support that the League proposed no action at the national level.

However, in the past decade, efforts have continued in state legislatures to introduce resolutions memorializing Congress to call a convention to propose a constitutional amendment, the so-called "Liberty Amendment" (see pages 25, 28, 29). One section proposes that

federal laws and state constitutions and state laws shall not be subject to any foreign or domestic agreements which would abrogate the other sections of the proposal. This section endangers League position on treaty making, for it would add constitutional restrictions to the present powers. Threatened by the "package deal" are both the League CR relating to constitutional limitations on our existing methods for conduct of foreign policy and the CR in opposition to constitutional limitation on tax rates (an item related to a domestic issue).

Under the authorization to work in their state legislatures to oppose constitutional limitation of treaty-making powers, state Leagues have opposed such resolutions. The League has often been the only organization to be aware of and to oppose their introduction.

What lies ahead for the League on treaty making?

Since legislation in Congress to limit treaty-making powers has created little interest in recent years, action is most likely to continue at the state level, with state Leagues working in opposition to the so-called "Liberty Amendment." However, should a threat to this League position appear in Congress, the national Board would alert local and state Leagues.

Some of the member beliefs upon which this CR is based were well expressed in a statement in opposition to the Bricker Amendment made before the Senate Judiciary Committee on April 29, 1955. They merit repeating here:

> The first is that the interests of the United States are best served by a foreign policy based on international cooperation. We firmly believe that the world is so interdependent that the policies and actions of other countries affect our own destiny. The converse is also true. Consequently, it is imperative that the United States work out solutions to problems with other nations for the common good of all.
>
> The proposed Bricker Amendment strikes at the very heart of the principle of international cooperation. It is based on fears that the United Nations Charter and other international treaties might invade the power of the states and the rights of individuals. The League of Women Voters does not share this fear. In fact, we deplore the practice of some who distort the purposes and functions of international organizations and

agreements so as to make them appear contrary to fundamental ideals and interests shared by American citizens. Too often the United Nations and other agencies are portrayed as controlling the actions of the United States whereas we know that the United States maintains control over its own decisions regarding its foreign policy and its internal affairs. The United Nations should be supported and our citizens should give their attention to ways in which it may be made more effective to carry out its purposes. The United Nations should not be made to seem what it is not — an organization damned either as being too weak to do anything or so powerful that we have lost all our independence as a nation . . .

However, if abuses do occur in any branch of the federal government we have a carefully devised system of checks and balances set up within the Constitution. There is still another check not mentioned specifically in the Constitution which carries tremendous influence. This is the power of public opinion. The League of Women Voters is dedicated to the belief that an alert and informed citizenry is an indispensable part of our democratic society. It shapes policy at election time; it influences our government in almost all its actions. Public opinion is a steadying influence which serves as a deterrent to rash action on the part of any one man or group of men who hold high office. We believe that the citizens of this country should be encouraged to exercise their responsibility, rather than be lulled into a false sense of security with so-called airtight safeguards.

References

1. *Colegrove* v. *Green*, 328 U. S. 549 (1946). Quotation at 553-54.
2. *Baker* v. *Carr*, 369 U. S. 186 (1962).
3. *Reynolds* v. *Sims*, 377 U. S. 533 (1964). Quotations at 568 and 578.
4. *Lucas* v. *Colorado*, 377 U. S. 713 (1964). Quotation at 736.
5. A rider is an addition to a bill, unrelated in subject matter, which cannot be vetoed by the President unless he vetoes also the bill to which it is attached.
6. The U. S. Constitution, Article V, provides two methods for amending the Constitution.

   > The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: . . .

   Article V also provides that no state, without its consent, may be deprived of its equal suffrage in the Senate.
7. McKay, Robert B., *Reapportionment*, 1965, Twentieth Century Fund, New York, p. 268.
8. *District of Columbia* v. *John R. Thompson Co., Inc.*, 346 U. S. 100 (1953).
9. For the fiscal year 1964, all federal money provided for the District, including federal grants-in-aid, shared revenues, and commodities distributed, plus the federal payment to the general revenue fund of the District, was approximately 30 percent as related to revenues raised from the District's own resources.

   Table 2, pages 258 and 259 of *The Book of the States*, 1966-67 (1966) Council of State Governments, shows that comparable percentages of federal money as related to revenues raised from the states' own resources were higher in 28 of the 50 states.
10. Address by Carl Albert, April 29, 1966, Ewing Memorial Hall, Norman, Oklahoma. Reproduced in the *Congressional Record*, May 23, 1966, pages 10635-10637.
11. *Cole* v. *Young*, 351 U. S. 536 (1956).
12. *Greene* v. *McElroy*, 360 U. S. 474 (1959).

13. Several questions arise concerning the validity of memorial resolutions calling for a constitutional convention. Since no constitutional convention has ever been called in response to legislative petitions, these questions have not been resolved. Included in these unresolved questions are: Is a resolution vetoed by the Governor valid? What is the time limit — do petitions lapse after a reasonable period of time? Can an unwilling Congress be made to call a Convention? Can the scope and procedures of a Convention be controlled by Congress?

Other information can be found in *State Applications Asking Congress to Call a Federal Constitutional Convention*, 1961, printed for the Committee on the Judiciary, House of Representatives, U.S. Government Printing Office.

14. The Constitution provides, as a power of the President, Article II, Section 2, He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur. The Senate may introduce amendments and reservations to the treaty, and both houses exercise control through appropriations bills.

15. Although it has never declared a treaty unconstitutional, the Supreme Court has indicated that treaty provisions in conflict with the Constitution would not be ruled effective as domestic law. When states have, under their own laws, refused to preserve aliens within their boundaries whose claims are protected by treaty arrangements or agreements, the United States has made the payments.

Leg.

Current Review of Continuing Responsibilities

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES [redacted]

No. 8, APRIL 1967
Price 50¢

FOR CR CHAIRMEN AND THEIR COMMITTEES

APPORTIONMENT

In the 90th Congress (1967-1968), so far there have been several House Joint Resolutions for constitutional amendments relating to apportionment of state legislatures. These range from proposals to allow apportionment of one house on factors other than population upon approval by the voters, to providing exclusive power to states to apportion their legislatures, and forbidding jurisdiction to federal courts in matters of legislative apportionment. All of these proposals have been referred to the House Committee on the Judiciary. Senator Dirksen may propose a resolution similar to SJR 103, which was defeated on April 20, 1966 (See memos on apportionment, March 29 and April 22, 1966), or he may propose a call for a constitutional convention.

Current Action in State Legislatures. Hurried and unpublicized activity has arisen in a number of state legislatures to demonstrate support for a proposed constitutional amendment permitting apportionment of one house of state legislatures on factors other than population.

In December 1964, a committee of legislators belonging to the National Conference of State Legislative Leaders drafted a resolution:

> "Section 1. That the Congress of the United States is respectfully petitioned by the _____ State Legislature to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:
>
> Article --
>
> "Section 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, providing that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of the State.

Your League could have action committees that never meet, really, each of whose members are committed to supporting specific positions. Every local League member ought to be on several such committees, and can discuss the problems with her circle of friends and acquaintances. It is just as easy to bring up a topical, important issue as it is to talk about what Johnny did in school or that trip to Canada.

The national League now provides a "Time for Action" service for members. Leagues may subscribe for copies for telephone committees. The more members who have subscriptions, the more members likely to respond.

Community Action. Widespread distribution of League materials--in libraries, schools, to contributors, to like-minded organizations, at meetings--help to acquaint the community with the issue. Some libraries have show cases or bulletin boards for League displays at strategic times.

Use of the news media, the speakers' bureau, special campaigns, clippings sent to your congressman to show the community interest--these are other ways to promote action. Community workshops (if possible, co-sponsored by another group with the same goals) can get a wider-than-the-League audience. Some Leagues have prepared timely displays for the store window of a sympathetic businessman. A "man-on-the-street" questionnaire with questions about a timely issue may also make a good newspaper story, interesting not only to those quizzed but also to an extensive local audience.

The wider and more varied the approaches to action, the better the chances of promoting citizen participation. More League members will become involved, since the variety of skills needed will present a wider spectrum of challenges. Some people like to write letters; others, to design attractive displays; others, to meet people (the speech makers and the questioners); and still others, to work with statistics (the questionnaire tabulators).

The challenge in a government like ours is that it is as good as we deserve. Sustained and imaginative efforts are vital if we are to achieve our CR goals.

TABLE OF CONTENTS

"Section 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned." (Another section follows pertaining to ratification by three-fourths of the states within seven years.)

As the 1965 state legislatures began meeting, suddenly and without publicity the resolution was passed and submitted to the 89th Congress (1965-66). The following 26 state legislatures in their 1965 or 1966 session, 17 of them by June 1, 1965, passed such petitions:

Alabama	Kansas	Missouri	North Carolina	Utah
Arizona	Kentucky[2]	Montana	Oklahoma[2]	Virginia
Arkansas	Louisiana	Nebraska	South Carolina	
Florida	Maryland	Nevada	South Dakota	
Georgia[1]	Minnesota	New Hampshire	Tennessee	
Idaho	Mississippi	New Mexico	Texas	

Early in March 1967, Colorado, Illinois, Indiana and North Dakota (all apportioned on population for the 1967 legislative sessions) passed the resolution for submission to the 90th Congress. Washington and Wyoming, after passing quite different resolutions in the 1963 session, failed in the 1965 session to pass also the "other factors" resolution. Alaska, California, and Rhode Island, failing also to pass resolutions for a constitutional convention, in 1965 petitioned Congress to propose a similar amendment.

Thirty-three state legislatures by April 5, 1967, had passed resolutions petitioning Congress either to call a convention or to propose an amendment to allow one house to be apportioned on "other factors." Of this total, 27 were not apportioned substantially on population at the time of passage.

Effect of the Resolutions. Article V of the Constitution provides that Congress: (1) by a two-thirds vote of both Houses, or (2) on the application of the legislatures of two-thirds of the states, shall call a convention for proposing amendments which, when ratified by three-fourths of the states, shall be valid. Thirty-four states would have to submit petitions to meet the requirements of method (2).

---

[1] Georgia has not yet sent its resolution to Congress.

[2] Oklahoma was reapportioned by the federal district court before the 1964 elections; Kentucky's apportionment of 1963 has not been challenged. These two states are counted as apportioned substantially on population.

There is no precedent for calling a convention on applications of the states. Thus, several questions arise, the most cogent of which are: May a constitutional convention be called for the purpose of proposing one amendment already drafted and may it be so instructed? Are these petitions, unless they call for a general, deliberative convention, constitutionally valid? Can the states determine whether ratification shall be by legislatures or by conventions within the states?

The purpose of these legislative efforts seems to be to show evidence of support for apportioning one house of state legislatures on "other factors." Passage of the petitions in almost every instance from the very beginning without hearings, without adequate debate, and without much warning may indicate that legislatures are not certain of popular support and are not considering the proposal on its merits.

Status of Apportionment in the States. The chart on pages 4-6 indicates the status of state compliance with the U. S. Constitution as interpreted by the Supreme Court decisions (Reynolds v. Sims, 1964; Lucus v. Colorado, 1964). The rapid conformity to legislative apportionment substantially on population is fairly evident.

Selected Readings

Congressional Quarterly Background, REPRESENTATION AND APPORTIONMENT, August 1966. 94 pp. $2.00 Congressional Quarterly Service, 1735 K Street, N.W., Washington, D.C. 20006
A complete review of apportionment. Extensive bibliography.

Boyd, William J.D., "Representation," NATIONAL CIVIC REVIEW, February 1966, pp. 95-103. 50¢. National Municipal League, 47 East 68th Street, New York, 10021
State-by-state recap of apportionment in the 50 states.

Annotations for chart, pp. 4-6.

*Classic case: Baker v. Carr (Tenn.), 1962; leg. plan approved by FDC Nov. 15, 1965, challenged on subdistricting; USSC (May 16, 1966) ordered "at large" elections in 4 counties. Nov. 1966, voters approved legislative subdistricting plan. (USSC in original case held leg. apportionment judiciable.)

Reynolds v. Sims (Ala.), 1964. USSC held leg. apportionment must be substantially on population.

Lucas v. Colo. (Colo.), 1964. USSC held a vote of the people cannot deny a citizen his right to representation substantially on population in state legislatures.

[1] Abbreviations used in Table, pp. 4,5,6.

Appt. - Apportionment	leg. - legislative
apport'd - apportioned	Sen. - Senate
Com. - Commission	SC - State Court
Con. Conv. - Constitutional Convention	SSC - State Supreme Court
FDC - Federal District Court	USSC - United States Supreme Court
pop. - population	

Reapportioned Legislatures -- Status, March 15, 1967

State	Latest Apportionment[1]	Sen. Size	House Size
*Ala.	Oct. 4, 1965. FDC approved leg. Senate plan, substituted own House plan.	35	106
Alaska	May 20, 1966. SSC approved leg. House plans; apport'd Senate according to Governor's plan.	20	40
Ariz.	Feb. 2, 1966. FDC apportioned.	30	60
Ark.	Nov. 4, 1965. FDC approved Board of Appt. plan. Single and multi-co. districts. Upheld USSC.	35	100
Calif.	Jan. 11, 1966. SSC approved leg. plans. (Legislature added pension plan for unseated legislators; Governor refused to sign. Apport. corrections of plan approved SSC.)	40	80
*Colo.	May 27, 1965. Leg. plan signed by Governor (differs slightly from SSC approved plan, 1964). Nov. 1966 -- voters approved single-member districts.	35	65
Conn.	Jan. 26, 1966. (Temporary to '70). Con. Conv. plan approved by voters, Dec. 14, 1965. FDC (Jan. 26, '66) approved Con. Conv. plan.	36	177
Del.	June 1, 1966 -- leg. plan. Invalidated by FDC. Jan. 8, 1967 - FDC ordered legislature to reapportion by Jan. 10, 1968.	18	35
Fla.	Feb. 8, 1967--FDC apport'd. (March 18, 1966, FDC approved leg. plan; Jan. 19, 1967, USSC reversed. New elections, March 28, 1967, for 1967 session.)	48	119
Ga.	April 1, 1965. FDC approved leg. plan. Temporary, under court order to apportion before 1968.	54	205
Hawaii	April 25, 1966. USSC approved leg. plan, temporary; Nov. 1966, voters approved Con. Conv.--primary job, to devise an apportionment plan. (USSC approved registered voters as base, finding it in Hawaii not discriminatory)	25	51
Idaho	April 1, 1966. FDC approved leg. plan.	35	70
Ill.	Aug. 25, 1965. SSC and FDC apport'd Senate. Dec. 4, 1965, House Apport. Commission apport'd House. Elections at large, 1964 election.	58	177
Ind.	Nov. 18, 1965. FDC approved leg. plan (allowed no more than 10% deviation).	50	100

[1]See footnote, p.3.
*See footnote, p.3.

State	Latest Apportionment	Sen. Size	House Size
Iowa	April 15, 1966. SSC approved leg. plans. Oct. 10, 1966, USSC refused appeal. Must subdistrict both houses for 1968 elections.	61	124
Kansas	March 23, 1966. SSC and FDC approved leg. plans. Senate must apportion by April 1, 1968.	40	125
Ken.	1963 leg. plan not challenged.	38	100
La.	Dec. 1966, legislature drafted new plan. FDC approved. Further challenge pending.	39	105
Maine	Jan. 27, 1966. House apport'd. Nov. 1966, voter-approved plan for Senate.	34	151
Md.	Jan. 11, 1966. SC of Appeals approved leg. plan. (Court chose between 2 plans passed by legislature. FDC upheld. USSC refused appeal. Con. Conv. to meet in 1967.)	43	142
Mass.	SSC forced appt. in 1963 (always based essentially on population. Small changes may have to be made.)	40	240
Mich.	May 26, 1964. SSC apport'd. Upheld in 1966.	38	110
Minn.	May 18, 1966. Leg. plan (special sess.) upheld FDC.	67	135
Miss.	March 2, 1967 -- FDC apportioned (leg. elections, 1967). March 28, 1967 -- FDC rejected appeal.	52	122
Mo.	Jan. 14, 1966. Guidelines approved by voters. Com. each house, appointed by Gov. Com. plan accepted by courts for 1966 elections.	34	163
Mont.	Aug. 6, 1965. FDC apport'd. Nov. 1966 referendum allows legislature to use single-member districts.	55	104
Neb.	Feb. 10, 1966. FDC approved leg. plan.	49	(unicameral)
Nev.	March 21, 1966. FDC approved leg. plan	20	40
N.H.	June 30, 1965. Leg. plan signed by Gov. (Con. Conv. revised apportionment of both houses.)	24	400
N.J.	Nov. 1966. Voters approved Con. Conv. plan of June 10, 1966, replacing temp. plan of April 1965. SSC earlier invalidated 1 Sen. per county plan of 1964. (Court case pending to test constitutionality of voter-approved plan.)	40	80
N.M.	March 17, 1966. FDC apport'd Senate for 1966 elections. House apport'd by legislature.	42	70

State	Latest Apportionment	Sen. Size	House Size
N.Y.	March 22, 1966. SC of Appeals ordered plan and selected Com. Con. Conv. now meeting.	57	150
N.C.	Feb. 18, 1966. FDC approved leg. plan for 1966 elections.	50	120
N.D.	Aug. 10, 1965. FDC apportioned.	49	98
Ohio	Oct. 27, 1965. FDC apport'd. Single-member districts. Court challenge pending.	33	99
Okla.	Jan. 24, 1965. Legislature enacted same plan as FDC apportionment of 1964.	48	99
Oregon	1961. (long used pop. base. Minor changes ordered by court by 1968).	30	60
Pa.	Feb. 4, 1966. SSC apportioned.	50	203
R.I.	May 1966. Leg. plan passed over Gov.'s veto. Con. Conv. now meeting.	50	100
S.C.	Feb. 28, 1966. FDC approved leg. plan as interim plan. Under court order to apportion by 1968.	50	124
S.D.	March 13, 1965. Leg. plan signed by Governor.	35	75
*Tenn.	Nov. 15, 1965. FDC approved leg. plan. Minor changes pending.	33	99
Texas	Feb. 2, 1966. FDC approved leg. plan, for '66 elections. Feb. 20, 1967, USSC required variations between districts to be substantiated.	31	150
Utah	July 3, 1965. FDC approved leg. plan.	28	69
Vt.	June 24, 1965. FDC approved leg. plan.	30	150
Va.	April 9, 1965. FDC and USSC approved leg. plan. Special election, Nov. '65. All legislators must run in 1967.	40	100
Wash.	March 9, 1965. FDC approved leg. plan.	49	99
W.Va.	Feb. 17, 1964. Special session plan, under order of SSC; not challenged.	34	100
Wis.	May 25, 1964. SSC apportioned.	33	100
Wy.	Oct. 8, 1965. FDC approved leg. plans for House, apportioned Senate.	30	61

DISTRICT OF COLUMBIA

On October 10, 1966, the final effort in the 89th Congress to achieve self-government for the District of Columbia was defeated. The motion to invoke cloture (to forestall filibuster) on the home rule amendment (to amend S3037, the Higher Education Amendments of 1966) was 11 votes short of the two thirds needed. Senator Morse therefore moved to table his amendment. For full details, see Time for Action, September 8, 1966, and Report from the Hill, District of Columbia and League Action, November 14, 1966.)

Current Developments. President Johnson, on February 27, 1967, sent a special D.C. message to Congress. In it he outlined a three-point program for the District: home rule, reorganization of D.C. government, and representation in Congress.

Most Capitol observers feel that a strong home rule bill will not pass the 90th Congress. While efforts to arouse interest in the 50 states for D.C. self-government must continue, League legislative goals more likely of accomplishment in 1967 and 1968 are:

1) a nonvoting delegate for the District (to function until D.C. citizens have voting representation and to provide biennial elections. A nonvoting delegate may serve both as a clearing house for D.C. problems and as a D.C. information center for all congressmen. Such a delegate may be provided by simple federal legislation. All nonvoting delegate bills are referred to the District committees.

2) voting representation. Voting representation in Congress for the District requires passage of a constitutional amendment proposal by both houses of Congress by a two-thirds vote and ratification by three fourths of the states (34 of 50 states). Such proposals are referred to the judiciary committees of both houses. The process of implementation takes considerable time -- often five or six years or more from the time of congressional passage to ratification by the required number of states.

The President's proposal for an amendment, HJR 396, introduced by Representative Emanuel Celler (D.,N.Y.), chairman of the House Judiciary Committee, proposes that the District shall elect at least one representative and one or more additional representatives or senators, or both, up to the number to which the District might be entitled if a state. Other proposals now in the judiciary committees vary from providing such representation as Congress may decree by law to providing as many representatives as the District would have if a state and one or two senators as Congress might decide. HJR 396 would guarantee at least one representative by ratification by three fourths of the states.

Reorganization of the D.C. Government. The President's plan for reorganization of the District government is not a proposal for self-government. Therefore, the League of Women Voters of the United States can neither support nor oppose it. The League of Women Voters of the District, however, since the proposal affects its local governmental structure, can have a position. On April 1, 1967, the District League did come to consensus on an emergency program item to support the principle of a chief executive and a council for its local government

The present government is an appointed commission form with three commissioners, each responsible for the administration of certain aspects of city government. They operate both as administrators and, to a limited degree, as policy makers. The President's proposal is for an appointed chief executive with administrative powers and an appointed council, both with the same limited functions of the present commission.

When the President's proposal is submitted, it goes to the House and Senate Government Operations Committees, not to the District Committees. The procedure differs from that for ordinary legislation. A bill dies if it is not reported out of committee. A reorganization plan takes effect automatically 60 days after it reaches Congress (unless it is brought to the floor and disapproved by a majority vote in either house).

Possible League Action. League action for both a nonvoting delegate and for voting representation may be needed in the 90th Congress. Hearings in the District committees may be held for nonvoting delegate bills and in the judiciary committees for constitutional amendment proposals for voting representation.

Leagues will be alerted when the time comes for appropriate and effective action.

League Materials

Facts & Issues -- Washington: The Nation's Showplace? April 1967, 15¢

Selected Readings

New Republic, April 23 and 30, 1966, Washington, The Lost Colony, Andrew Kopkind and James Ridgeway.
A discussion of problems in the District, citizen frustrations.

The Reporter, August 11, 1966, The Negro Stake in Washington Home Rule, Martin F. Nolan
An account of local efforts to win home rule.

Holiday, February 1967, Wayward Washington, Russell Baker.
A colorful account of what life in the District is like.

TAX RATES AND TREATY MAKING

The League positions on opposition to constitutional restrictions on tax rates, and to constitutional changes that would limit the existing powers of the President and Congress over foreign relations relate to constitutional, not legislative, restrictions. Thus the League tax-rate position, in and of itself, does not oppose action which the elected representatives and senators in Congress might take legislatively to lower the income tax or not to levy it at all.

For the past several years, in each session of Congress, Rep. Utt (R,Calif.) has introduced the text of the so-called "Liberty Amendment" in the House (in the first session of the 90th Congress, HJR 23, referred to the House

Committee on the Judiciary). These proposals are attempts to use one method of amending. At the same time, the Liberty Amendment Committee has been endeavoring to persuade state legislatures to use the second method (Article V, U.S. Constitution). To date the legislatures in seven states -- Georgia, Louisiana, Mississippi, Nevada, South Carolina, Texas, and Wyoming -- have passed the resolution in identical form. The text of both resolutions follows:

> Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.
>
> Section 2. The constitution or laws of any state, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.
>
> Section 3. The activities of the United States Government which violate the intent and purpose of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.
>
> Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates and/or gifts.

State Legislative Action. In the 1966 and 1967 state legislative session and before interim legislative committees, highly financed attempts to obtain legislative passage for this proposal have transpired in several states, among them, Arizona, California, Delaware, Florida, Idaho, Nebraska, North Dakota, Oklahoma, Pennsylvania, and Utah. State Leagues in these areas have acted in a variety of ways: statements at hearings, distribution of materials, public information, careful watching. Sometimes, when there has been committee action to defeat, transfer to a more favorable committee has been inaugurated.

Plausible Misinformation. The Fact Sheet, published by Willis E. Stone of California, also publisher of the bi-monthly Freedom Magazine of the Liberty Amendment Committee of America, lists over 700 "Federal Government's Corporate Activities." But an explanation goes on to say, "Listing here does not imply the abolition of legitimate functions. The Liberty Amendment applies only to activities not specified in the Constitution."

The Constitution in Article I, Section 8, provides that Congress shall have the power to "...provide for the common Defence and general Welfare of the United States." It is not difficult to make a case for the necessity of governmental activities as essential for defense or the general welfare.

The Liberty Amendment supporters argue for imputing to Congress "express" rather than "implied" powers. In the first session of Congress in 1789 during the debate on the 10th Amendment, the intent to include implied, as well as express, powers in the Constitution was clear. The 10th Amendment as adopted reads: "The powers not delegated to the United States by

the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people." A motion to add "expressly" before "delegated" in the wording was defeated. Further, in 1819, Chief Justice John Marshall, in the opinion which sustained chartering of the Bank of the United States and struck down Maryland's tax on the notes of the Baltimore branch, stated Congress has "implied powers" it can use to carry out its express powers.

Some of the corporate activities listed in the Fact Sheet index include:

Social Security Administration	School Lunch Program
Soil Conservation Service	International Cooperation Administration
Tennessee Valley Authority	Export-Import Bank
Food for Peace	Federal Housing Authority
Federal Reserve Banks	Howard University
World Bank	International Monetary Fund
United Nations Children's Fund	National Capitol Planning Commission
National Park Service	Rural Electrification Administration
Parcel Post	Postal Savings System
	Forest Service

Fact Sheet No. 167, relating to the Maritime Administration, implies that private enterprise alone raised the American merchant marine to top rank. "When the blight of political control was removed /after the Revolutionary War/, private American enterprise built American merchant shipping to first place in the world. Then, on September 7, 1916, with the creation of the U.S. Shipping Board, the blight of political control was again fastened on our shipping and shipbuilding industries."

As a matter of record, maritime subsidies to private U.S. ships began in 1789, when Congress provided in the first tariff act that goods imported into the United States on American vessels should have a 10 per cent reduction in tariff duties and a favorable rate on tonnage taxes. In 1845 Congress authorized steamship line mail subsidies, which continued sporadically until 1928. It is inaccurate to say that private enterprise until 1916 alone developed the American shipping industry.

In any event, any legislation undesirable or not in the public interest may be repealed by elected congressmen. To freeze into the constitution specific limitations on the powers of Congress to tax, provide for the common defense, or promote the general welfare might be catastrophic for defense or for the economy.

The Hierarchy of Law. To limit the power of the President and Senate (which represents all states equally) to making treaties or domestic agreements not in conflict with the constitution or laws of any state would upset the hierarchy of law maintained since ratification of the Constitution. (The U.S. Constitution takes precedence over all law and state constitutions, followed in order by federal law, state constitutions, state law, local charters, local law or ordinances.) Under the proposed Liberty Amendment, no matter what treaty might be ratified by the Senate or what federal law might be passed, if a state believed it involved a "business" enterprise not specified in the Constitution, state constitutions or state law could

make it ineffective. Such a constitutional amendment would give states the right to pick and choose which federal laws they wished to follow, and would lead to the most dangerous kind of divisiveness among them.

James Madison, in The Federalist No. 44 (New York Packet, Friday, January 25, 1788), in explaining the necessity for supremacy of federal treaties to state constitutions or state law, says:

> "... as the constitutions of the States differ much from each other, it might happen that a treaty or national law, of great and equal importance to the States, would interfere with some and not with other constitutions, and would consequently be valid in some of the states, at the same time that it would have no effect in others.
>
> "In fine, the world would have seen, for the first time, a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society everywhere subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members."

This explanation of the necessity for the present constitutional provisions relative to treaty making is today the best argument against Section 2 of the proposed "Liberty Amendment."

For example, there are treaties among the United States, Canada, and Mexico relative to migratory birds that fly across their borders. Wild geese come from Canada and migrate across the United States on their way south. To preserve enough birds for hunters in all these countries, hunting is restricted by federal game regulations.

Since the money from federal stamps that hunters must purchase buys land for game preserves, a state could argue that such federal buying of land constitutes a business and could refuse to honor federal hunting regulations now conforming to international treaties. Hunters on the extremes of the flyways could, under state law, decimate the flocks, perhaps making the species extinct! Even more damaging, the authority of the United States government to enter into any international agreements would be dangerously impaired.

LOYALTY-SECURITY

(See NATIONAL BOARD REPORTS,
May 1966, pp. 45-47;
September 1966, p. 28.)

THE CONTINUING RESPONSIBILITIES--DISCUSSION AND ACTION

Annual reports of local Leagues express some League dissatisfaction with handling of the Continuing Responsibilities. If a League position is on the front burner, interest is livelier. An election campaign or a petition drive mobilizes the efforts, offers opportunities for the wide range of talent in every local League. The original study tends to be more exciting than keeping up with and acting on an "old" position. Yet, effective solution of the unsolved problem reflected in a CR depends on informed members and on a plan for generating response to the appropriate time for action.

From the suggestions that follow, Leagues may find useful approaches from which to select, according to their womanpower and workloads.

CR Committees. Old Hands--or Neophytes? Leagues have in some cases used only new members on the CR committee. They learn how we arrived at our position, the history of our action, and the possibilities for future effectiveness.

On the other hand, Birmingham-Bloomfield, Michigan, involved 12 past local League presidents who had been active in one or another of the original studies. These women added local League historical and humorous sidelights.

Objectives in Keeping the Members Informed. There are really two closely related aims in reviewing League responsibilities: 1) keeping the members and the community informed of the problem so concerted action will take place at the appropriate time; 2) providing for intelligent decision at program-making time. Leagues should not recommend on the basis of not knowing enough about the position; rather, they should consider whether it still applies, has a reasonable possibility for accomplishment, reflects the League's current opinion.

WAYS TO REACH THE MEMBERS

Orientation Meetings. New members, and also those of longer standing, can be involved in a variety of ways in orientation meetings. New members can be provided with:

1) National Continuing Responsibilities, 1966-68; Washington: The Nation's Showplace?, April 1967; National VOTER articles: May-June 1965, July 1965 (insert), November-December 1965, January 1966, September 1966, March 1967. Let them present an "orientation" for the entire membership. They are thus learning both the League position and the discussion techniques, and are learning by doing.

A Provisional League in Putnam Valley, New York, divided its members in attendance into two teams. After the presentation, the teams answered a questionnaire on the CRs. Winners were given seed packets as prizes. The Provisional League of Brick Town, New Jersey (and an "old" League in Salem, Oregon), used a Huntley-Brinkley format with great success.

2) Small informal workshop or "kaffee klatsch" meetings can be fun, involve many members, add a meeting without infringing on tightly scheduled unit time.

3) Larger orientation meetings, staffed by informed leaders, can present the CRs in a way to generate discussion.

Bulletins and Publications. Many League bulletins have chosen the catchy article, the short quiz, a challenging story to spark interest in meetings. If, however, no meeting is scheduled, a series of short articles with provocative titles or illustrations, or quizzes (one League used a poem!) can be published in successive bulletins both to update the members and to encourage them to read member publications. Mention of related National Voters may prompt Leaguers to keep and reread the pertinent articles.

Most Leagues provide a variety of opportunities to purchase publications. Some Leagues include in their dues a figure for a subscription service including such materials. Others display newer League publications at every meeting, spotlighting those most pertinent to the next meetings.

Unit or Membership Meetings. Meetings may be scheduled for CR discussion or as a part of the biennial national-program-making meetings. For these, techniques suggested for orientations are also in order. Parodies, skits, introductions which involve members with one or no pre-practice sessions are fun and get the meeting off to a lively start.

A two-act musical skit, Greek chorus style, was presented in Hamden, Connecticut. It used cue questions in verse for song responses from the unit members. Equally successful was the "treasure hunt" held by the League in Defiance, Ohio. Newspapers and magazines clippings were posted with identifying numbers. Each member, provided with a list of the CRs, related the clips to the appropriate CR.

The Jefferson County League in Colorado varied the usual scoring on a CR quiz. It compiled average scores for members of more than two years standing, of less than two years, and for guests. "The results were put in the membership mailing to show how membership in the League helps to keep us informed."

Many Leagues use program-making meetings as the only time for CR discussion. One League used tags to seat members in small groups. Then roving panels moved from group to group. This plan sparked involvement in the small-group settings.

One League had a mock interview with a "congressman" as an opener, with the "congressman" not always in agreement with League position. It not only demonstrated how the interviewer skillfully handled such differences of opinion but also paved the way for subsequent discussion of reasons for League positions.

A useful technique for unit or general membership meetings is to pose the arguments of those holding views differing from League positions: e.g., Apportionment -- counties should be represented in state legislatures as senators represent states in the Congress; Loyalty-Security -- people who have nothing to hide don't mind being interrogated.

WAYS TO REACH THE COMMUNITY

Speakers' Bureaus. A corps of well-informed Leaguers is not enough to assure a successful speakers' bureau. Persistence, imagination, planning ahead,

careful selection of what to offer whom, and successful advertising are prerequisites to get speakers before audiences. To have a League member as the principal speaker on a civic club program requires advance preparation. Most such club dates are scheduled a year in advance

League speakers often overemphasize League position and how the League arrived at it. It is far more effective to describe the problem, discuss the possible solutions, and give the reasons for the "best" solution. An interesting, brief presentation can get the point across better than a recital of League history. The goal is to elicit support on an issue, not community understanding of League procedures. Challenging introductions, praise of a recent project sponsored by your audience -- these are worth careful preparation.

Short, five-minute talks with timely materials to distribute can usually be scheduled on short notice. Such talks should not exceed the time limit.

Some Leagues have become such professionals in the speaking circuits that they charge a nominal fee. Sometimes people don't value a service unless they pay for it.

Newspaper Stories, Letters to the Editor. When a story is newsworthy, an article may be welcomed by the editor of your local paper. If you have been unable to develop good rapport with the newspaper, try to assess why and let the new president or item chairman make an affirmative approach, as if no one had been rebuffed before. (Timely letters to the Editor are also useful.)

A personal visit to the editor with your story neatly typed (always double or tripled spaced), carefully edited to be sure it is clear, interesting, and objectively phrased, can pay dividends. (News writers avoid long sentences.) If the editor makes suggestions, be amendable to making changes that do not distort your message. Examine titles and stories previously published in the paper. Be guided by length and style of what it prints.

TV and Radio. If you have regular radio or TV time, selecting the newsworthy time can create community interest. For example, you might have a program at the proper time that begins: "Currently in Washington the House District Committee is holding hearings on several proposals..." Your presentation need not be related to news that appears in your paper, but it should be timely.

Radio or TV stations may give you public service time to explain an issue in the news. Also, a carefully phrased letter, including timely material, to a news commentator who discusses public issues in some depth may prompt him to use it for a broadcast.

LEAGUE ACTION ON CONTINUING RESPONSIBILITIES

Letters to Congressmen. Often the only local League action on a "Time for Action" is a letter from the League president. A "Time for Action" appears sometimes to freeze the response to the minimal official letter. It should be a climax, not an anticlimax, to all League work in study and discussion, and in the difficult process of arriving at consensus.

Some Leagues, when a "Time for Action" comes at the right moment, take 20 minutes of meeting time to draft letters. Advance preparation is needed here--a supply of different kinds of plain stationery and matching envelopes, assurance that members are up to date on the position so that a brief explanation of the legislation will spark the writing.

Such an exercise provides opportunities for general "do's" and "don'ts"[1];

> Do include commendation of the law-maker if he supports your position.
>
> Do make the letter short, personal, in your own words.
>
> Do select from the reasons for support or opposition those which appeal most to you. There is no need to cover the whole gamut of good reasons.
>
> Do write your own views, even if they differ from League position, but don't negate League effort by identifying yourself as a member or by mentioning that you disagree with League position.
>
> Don't begin with "The national League (or the state League) has asked us to write ...". The League is only providing information about the appropriate time to write in effective support of your own consensus. To start with a sentence indicating an order from the national or state League denies the whole democratic consensus process.

A telephone alert can be set up for those "Times for Action" that come, alas, just after a meeting. Members are often more interested in some program items than in others. A check sheet to indicate to which CRs each member wants to respond, and a person for each responsible for calling these people, will multiply your member responses. Many less-active Leaguers may volunteer to call a short list of names, say, each time there is a "Time for Action" on apportionment.

The committee chairman can find out who is interested and who was involved in the original study for each CR, and keep action lists. Many Leagues send out questionnaires. Included might be League positions for the member involved in the original study to check. Then those members not in regular attendance may be added to the telephone rolls.

No doubt everyone has had calls with distinctly negative overtones suggesting, "You don't want to do this, do you?" It is much more effective to begin on a positive note. For example, "We've just had a 'Time for Action' from the national League office. There's a chance that a proposal for a constitutional amendment to provide representation in Congress for the District of Columbia may pass in the House. The proposal is HJR ___. It would allow the citizens of Washington to elect one representative in the House and such other representation as Congress may provide. Let's all write Rep. _____ in the next few days, and get as many of our friends to write as we can." The telephoner should be prepared to answer questions about the bill, the proper salutation and address for the congressman, what his attitude toward the legislation is.

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[1] Why Write Your Congressman and How, available from the national office, two for 10¢

~~HVP~~ Leg

League of Women Voters of the U.S.

[redacted]

July 26, 1967

STATEMENT TO THE HOUSE JUDICIARY COMMITTEE
ON CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA (H.J. Res. 396)

by

MRS. DONALD E. CLUSEN, DIRECTOR
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I am Mrs. Donald E. Clusen of Green Bay, Wisconsin, an elected Director of the League of Women Voters of the United States and Chairman of the committee resonsible for League work for self-government and representation in Congress for the District of Columbia. The League of Women Voters of the United States has 146,000 members in the 50 states, the District of Columbia, and Puerto Rico, and is a volunteer citizens' organization working in the field of government on local, state, and national issues.

It is a matter of great concern to us that a basic right, related to the principle of representation for taxpayers, one of the foundations of American democracy, has not yet been granted to citizens in the nation's capital. To us in the League, this right, representation in Congress, now denied to District residents, has been a goal toward which we have worked since the year that the women of the United States were granted the right to vote. Over the years at every national Convention of the League, members have reaffirmed their belief in representation in Congress -- and self government -- for citizens of the District of Columbia.

H.J. Res. 396 and several identical resolutions, which provide for a constitutional amendment to guarantee for the District one representative in the House of Representatives and such other representation in Congress as Congress may provide, up to the number to which the District would be entitled if it were a state, offer the Congress and all U.S. citizens the opportunity to rectify one of these wrongs. We are glad to see this measure before this committee and the Congress, not as an alternative to self-government, but in a form in which it can be debated on its own merits.

The case for voting representation in Congress needs no detailed defense. It is an inherent right of American citizens, and in purely practical terms, an even more precious right in the District than in other normal areas; for, whatever the form of local government in Washington, Congress retains ultimate authority over the city. From a pragmatic point of view, D.C. representation could be vastly helpful to Congress in discharging its responsibility. From the viewpoint of local citizens, such a direct voice in Congress would be a meaningful form of suffrage.

The District of Columbia is the only part of the United States in which citizens have no representation of any sort in Congress. With a population of 800,000 (more people than in any one of 11 states), a per capita income of $3,544 (higher than that in any state), the present situation is impossible to defend to the nation -- or the world. District residents pay their full share toward the federal budget. They serve in the armed forces, and meet all the obligations of citizens, but are not represented in any way in the Congress which governs them.

Congressional representation, in addition to providing a basic right to D.C. citizens, would fill the present vacuum with at least one elected spokesman for District needs, sources of information for other Congressmen, and outlets for D.C. residents, who have no one to see, responsive to their votes, in their search for solutions to local problems, or to represent their views on national and international matters.

Should this session of the 90th Congress submit this amendment for ratification by the states, League members throughout the country will work with enthusiasm and conviction to secure passage and ratification. Because H.J.R. 396 would right a grievous wrong, is long overdue, is practical and realistic, the League of Women Voters of the United States urgently requests this committee to recommend its immediate passage.

As the nation's showplace, Washington ought to be a showplace for what it is -- the capital city of a great representative government. The nation's capital should display the successful solution of local problems through the cooperation of citizens with their elected officials. You, gentlemen, can take an effective step in realizing this goal by affirmative action on this measure. Thank you for allowing us to present our views.

League of Women Voters of the U.S.

[redacted]

November 8, 1967

DISTRICT OF COLUMBIA GOVERNMENT

H.Res. 512 - Resolution disapproving President Johnson's Reorganization Plan No. 3 to replace the existing three D.C. Commissioners with a single commissioner and a nine-member city council (to be appointed by the President and confirmed by the Senate).

HOUSE VOTE - August 9, 1967 - Rejected 160-244. A "nay" vote was a vote for the Reorganization Plan No. 3, which the League of Women Voters of the District of Columbia supported (The League of Women Voters of the United States neither supported nor opposed the Reorganization Plan).

NAYS - 244

The question was taken; and there were—yeas 160, nays 244, not voting 28, as follows:

[Roll No. 204]

YEAS—160

Abbitt
Abernethy
Adair
Andrews, Ala.
Arends
Ashbrook
Ashmore
Ayres
Bates
Battin
Belcher
Berry
Betts
Bevill
Blackburn
Bolton
Bow
Bray
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cramer
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Everett
Fisher
Flynt
Ford, Gerald R.
Fountain
Fuqua
Gallifianakis
Gardner
Gathings
Gettys
Goodling
Gross
Gubser
Gurney
Hagan
Haley
Hall
Hansen, Idaho
Hardy
Harsha
Harvey
Hébert
Henderson
Herlong
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
King, N.Y.
Kleppe
Kornegay
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
Lukens
McClure
McMillan
MacGregor
Marsh
Martin
Mathias, Calif.
May
Michel
Miller, Ohio
Minshall
Mize
Montgomery
Moore
Myers
Nelsen
Nichols
O'Neal, Ga.
Passman
Pelly
Pettis
Pirnie
Poff
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers
Robison
Rogers, Fla.
Roudebush
Satterfield
Schadeberg
Scherle
Schneebeli
Scott
Selden
Shriver
Skubitz
Smith, Calif.
Smith, Okla.
Snyder
Springer
Steiger, Ariz.
Stephens
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tuck
Waggonner
Walker
Wampler
Watkins
Watson
Whalley
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wylie
Wyman
Zion
Zwach

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Baring
Barrett
Bell
Bennett
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Brooks
Brotzman
Brown, Calif.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Button
Byrne, Pa.
Cabell
Cahill
Carey
Casey
Celler
Cleveland
Cohelan
Conable
Conte
Corbett
Cowger
Culver
Daddario
Daniels
Dawson
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dow
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Ellberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hollifield
Holland
Horton
Hosmer
Howard
Hungate
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kluczynski
Kupferman
Kuykendall
Leggett
Lloyd
Long, Md.
McCarthy
McClory
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Meeds
Meskill
Miller, Calif.
Mills
Minish
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price, Ill.
Pryor
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Riegle
Roberts
Rodino
Rogers, Colo.
Ronan
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schweiker
Schwengel
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Taft
Tenzer
Thompson, Ga.
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Willis
Wolff
Wright
Wyatt
Yates
Young
Zablocki

NOT VOTING—28

Brademas
Brock
Burton, Utah
Clark
Collier
Colmer
Conyers
Corman
Dickinson
Dulski
Gallagher
Halleck
Jones, Ala.
Kyros
Landrum
McCulloch
Mathias, Md.
Matsunaga
Mayne
Pollock
Rooney, N.Y.
Saylor
Tiernan
Utt
Watts
Williams, Miss.
Wilson, Charles H.
Wydler

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Utt for, with Mr. Kyros against.

Mr. Colmer for, with Mr. Collier against.

Until further notice:

Mr. Rooney of New York with Mr. Saylor.

Mr. Brademas with Mr. Mathias.

Mr. Matsunaga with Mr. Pollock.

Mr. Tiernan with Mr. Wydler.

Mr. Williams of Mississippi with Mr. Dickinson.

Mr. Charles H. Wilson with Mr. Mayne.

Mr. Corman with Mr. McCulloch.

Mr. Watts with Mr. Brock.

Mr. Gallagher with Mr. Halleck.

Mr. Clark with Mr. Burton of Utah.

Mr. Dulski with Mr. Conyers.

Mr. Jones of Alabama with Mr. Landrum.

The result of the vote was announced as above recorded.

League of Women Voters
of the United States

Memorandum

[redacted]

This is going on
Duplicate Presidents Mailing

November 17, 1967

TO: Local and State League Presidents
FROM: Mrs. Robert J. Stuart
RE: Congressional Representation for the District of Columbia

Hearings have been held before both House and Senate Judiciary Committees on proposals for an amendment to grant congressional representation in Congress to citizens in the District of Columbia. Mrs. Donald Clusen, member of the national League Board, testified before both these committees.*

The House Judiciary Committee, Rep. Emanuel Cellar (D., N.Y.), Chairman, has reported H.J.R. 396 as amended. This proposed constitutional amendment was modified in committee to provide two Senators for the District and the number of Representatives to which it would be entitled by population if it were a state. In its original form, H.J.R. 396 called at least one Representative for the District and such additional Representatives and Senators as Congress might provide by law, up to the number to which it would be entitled if it were a state.

League Support for H.J.R. 396. Since the League of Women Voters of the United States supports representation in Congress for the District and testified in support of H.J.R. 396 before the House Judiciary Committee on July 26, 1967, it was supporting also the proposal's permission for Congress to provide for D.C. citizens the same kind of representation in Congress other U.S. citizens have. Therefore, when the proposed amendment was reported favorably as guaranteeing in the language the full measure of representation it had permitted in the original version, the national Board sent out a Time for Action on October 10, 1967, to indicate to Leagues that letters expressing League support were needed, even though it is unlikely that a resolution guaranteeing full representation will pass both houses by a two-thirds vote. (A two-thirds vote by both houses and ratification by three-fourths of the states is required for passage of a constitutional amendment.)

League Support for S.J.R. 80. On November 8, Mrs. Clusen appeared for the League before the Senate Judiciary Subcommittee on Constitutional Amendments, Senator Birch Bayh (D., Ind.), Chairman. S.J.R. 80 is identical in text with H.J.R. 396 before it was modified in the House Judiciary Committee.

The League has preferred to support those proposals for amending the Constitution which provide in their language for at least one Representative because a constitutional guarantee assures representation. Other proposals for amendments to grant representation in Congress for D.C. residents as Congress may provide do not assure representation; they are merely proposals to amend the Constitution so that Congress may provide representation by law.

Outlook. It is unlikely, with the first session of the 90th Congress drawing to a close, that H.J.R. 396 will come to the floor of the House for debate and a vote in this session. However, the second session picks up and continues action left un-

*See "Statement Before the House Judiciary Committee," July 26, 1967, by Mrs. Donald Clusen; and "Statement To the House Judiciary Committee," November 8, 1967, by Mrs. Donald Clusen.

finished in the first session (proposed legislation which has not been enacted, however, dies at the close of the second session of each Congress). Therefore action on representation in Congress for the District is possible after Congress reconvenes in January 1968.

The Senate Judiciary Committee has not yet reported on the two resolutions it was considering: S.J.R. 80 (Bayh, D., Ind.) and S.J.R. 31 (Dirksen, R., Ill.).

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League of Women Voters of the U.S. [redacted] November 8, 1967

STATEMENT TO THE SENATE JUDICIARY SUBCOMMITTEE
ON CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA (S.J.R.80 and S.J.R.31)

by

MRS. DONALD E. CLUSEN, DIRECTOR
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I am Mrs. Donald E. Clusen of Green Bay, Wisconsin, an elected Director of the League of Women Voters of the United States and Chairman of the committee responsible for League work for self-government and representation in Congress for the District of Columbia. The League of Women Voters of the United States has 146,000 members in the 50 states, the District of Columbia, and Puerto Rico, and is a volunteer citizens' organization working in the field of government on local, state, and national issues.

It is a matter of great concern to us that a basic right, related to the principle of representation for taxpayers, one of the foundations of American democracy, has not yet been granted to citizens in the nation's capital. To us in the League, this right, representation in Congress, now denied to District residents, has been a goal toward which we have worked since the year that the women of the United States were granted the right to vote. Over the years at every national Convention of the League, members have reaffirmed their belief in representation in Congress -- and self-government -- for citizens of the District of Columbia.

S.J.R.80, which provides for a constitutional amendment to guarantee for the District one representative in the House of Representatives and such other representation in Congress as Congress may provide, up to the number to which the District would be entitled if it were a state, offers the Congress and all U.S. citizens the opportunity to rectify one of these wrongs. We are glad to see this measure before this committee and the Congress, not as an alternative to self-government, but in a form in which it can be debated on its own merits.

While we also support the intent of S.J.R.31, which proposes a constitutional amendment providing for "voting representation in Congress in such measure as the Congress may direct," we prefer the more specific language of S.J.R.80, which guarantees at least one representative to the District of Columbia. Since S.J.R.31 would require congressional implementation for even one representative, and thus is only permissive and enabling, it would only further delay actual representation for the District and perhaps enmesh the Congress in a myriad of detailed specific proposals for representation formulas.

The case for voting representation in Congress needs no detailed defense. It is an inherent right of American citizens, and in purely practical terms, an even more precious right in the District than in other normal areas; for, whatever the form of local government in Washington, Congress retains ultimate authority over District affairs. From a pragmatic point of view, D.C. representation could be vastly helpful to Congress in discharging this responsibility. From the viewpoint of local citizens, such a direct voice in Congress would be a meaningful form of suffrage.

The District of Columbia is the only part of the United States in which citizens have no representation of any sort in Congress. With a population of 800,000 (more people than in any one of 11 states), a per capita income of $3,544 (higher than that in any state), the present situation is impossible to defend to the nation -- or the world. District residents pay their full share toward the federal budget. They serve in the armed forces and meet all the obligations of citizens, but are not represented in any way in the Congress which governs them.

Congressional representation, in addition to providing a basic right to D.C. citizens, would fill the present vacuum with at least one elected spokesman for District needs, sources of information for other Congressmen, and outlets for D.C. residents, who have no one to see, responsive to their votes, in their search for solutions to local problems, or to represent their views on national and international matters.

Should the 90th Congress submit this amendment for ratification by the states, League members throughout the country will work with enthusiasm and conviction to secure passage and ratification. Because S.J.R.80 would right a grievous wrong, is long overdue, is practical and realistic, the League of Women Voters of the United States urgently requests this committee to recommend its immediate passage.

As the nation's showplace, Washington ought to be a showplace for what it is -- the capital city of a great representative government. The nation's capital should display the successful solution of local problems through the cooperation of citizens with their elected officials. You, gentlemen, can take an effective step in realizing this goal by affirmative action on this measure.

Thank you for allowing us to present our views.

- - -

League of Women Voters
of the United States

Memorandum

[redacted]

August 21, 1967

This is going on
Duplicate Presidents Mailing

TO: Local League Presidents and CR Chairmen and State League Presidents
FROM: The National Office
RE: Current Review of Continuing Responsibilities No. 8

Now is the time

...to take a good look at CRs
--as you plan your League calendar for fall
--as program-making time draws near

All too often Current Agenda items are so exciting...so all-engrossing as study projects...that they tend to crowd CRs right out of the picture.

Don't let this happen! Continuing Responsibilities are a vital part of National Program -- positions on issues so important to a majority of League members that they have voted to give them sustained attention and to continue to act on them.

Alert Leagues have learned through experience that it's smart to plan now how best to handle CRs in the months to come and how to keep both members and the community informed and primed for action at the proper time.

Of special help to Presidents and CR Chairmen, who are blueprinting fall meetings and seeking to spark member interest, is the Current Review of Continuing Responsibilities No. 8 which you received some weeks ago. This 16-page pamphlet outlines current developments, analyzes pending legislation, and in the case of the Apportionment Item provides a complete chart of apportionment of state legislatures for ready reference.

Also included are new ideas for

.motivating members -- orienting the "new" and involving the "old"
.putting your local bulletin to work on behalf of CRs
.harrowing the ground for intelligent decisions at program-making time

Timely tips show you how to "reach out" into your community...map out a positive approach to newspaper, TV, and radio...how to handle speaking engagements.

There's also a section on Times for Action...with practical suggestions for setting up a workable alert system to implement any Time for Action -- local, state, or national. Here are short cuts for achieving maximum member response with a minimum of wear and tear on the chairman!

And to make it more readable, we've given this Current Review a new look...in color, typography, and format!

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Since this is such an important leadership tool, we know every CR Chairman will want it at her fingertips -- as will all members of her committee. Therefore, we suggest you order as many copies as you need now at 50 cents each.

League of Women Voters
of the United States

Memorandum

[redacted]

August 21, 1967

This is going on
Duplicate Presidents Mailing

TO: Local League Presidents and CR Chairmen and State League Presidents
FROM: The National Office
RE: Facts & Issues - Washington: The Nation's Showplace?

Washington -- the City -- is very much in the news these days -- especially since President Johnson submitted his reorganization plan for the District of Columbia to Congress early in the summer. This proposal, as you know, automatically went into effect on August 11, since Congress did not disapprove it. However, the current commission will continue until the appointment of the single Commissioner and six of the seven council members.

Although the Administration reorganization plan falls short of self-government -- and for this reason was neither supported nor opposed by the League of Women Voters of the United States -- it has served to bring to public attention the many thorny problems that beset the capital city.*

Some weeks ago you received a copy of Facts & Issues - Washington: The Nation's Showplace? We hope you've read it.

> Perceptive, incisive, to-the-point, this inside look at Washington today clearly illustrates the dilemmas faced by the federal city...refutes the arguments set forth by the opponents of Home Rule...provides facts and figures to support the League's position favoring self-government and representation in Congress for the District's virtually voteless citizens.**
>
> Washington: The Nation's Showplace? is must reading for all who would learn what happens when an apathetic Congress continues to play City Hall.

So why not make it a point to

-- get this catchy F&I into your local libraries -- if possible, on display

-- bring it to the attention of schools -- public and private -- local colleges and junior colleges, too

-- put it in the hands of all interested organizations in your community

-- send copies to League contributors and supporters

(OVER)

*Because this plan affects local governmental structure, the League of Women Voters of the District of Columbia came to consensus (April 1, 1967) and actively supported the principle of a chief executive and council, as provided in the plan.

**"Precise and persuasive" is the way the Hon. Jeffery Cohelan, U.S. Representative from California, characterized this F&I to his colleagues in the House. So impressed was he that he had it read into the Congressional Record on May 23rd!

-- and, of course, urge all League members to study it -- including new and prospective Leaguers, who will find it good reading...colorful...appealingly illustrated.

Washington: The Nation's Showplace? dramatizes the persistent campaign still being waged by D.C. residents (800,000 strong) to achieve self-government -- so vitally necessary if they are to work together on a local level to find answers to their burgeoning problems.

And the key to their success may well rest with you...your local League...your senators and representatives in Congress.

For this reason, won't you

(1) Re-read this F&I...note carefully the points currently being made by the opposition...arm yourself with the facts to refute them?

(2) Be sure your CR, Publications, and PR Chairmen see this, too?

(3) Plan with them an all-out promotion in your community...and in your League?

As you know, the cost of Facts & Issues is a modest 15 cents per copy -- 10 copies for $1.00. Order as many as you need.

Also enclosed is a sample press release for you to take to your local newspaper and to use for mailings to organizations and individuals you may not be able to contact in person. Be sure a copy of the F&I goes with this release.

SAMPLE RELEASE FOR LOCAL NEWSPAPERS & ORGANIZATIONS

(Insert Local League address and dateline above and also Local League name and address in last paragraph of release as indicated.)

THE NATIVES ARE RESTLESS

Behind an impressive facade of federal buildings, graceful parks, and marble monuments lies the city of Washington the tourist never sees -- a melange of physical blight, social disorder, and mounting crime.

A new publication issued by the League of Women Voters of the United States entitled Washington: The Nation's Showplace? points out that except in Presidential elections (and then only recently), the District of Columbia's 800,000 residents cast no ballots, elect no government of their own, and have no City Hall to pressure for desperately needed services and reforms. Rather, this pamphlet emphasizes, Congress makes the laws and "rules" the federal city -- with apathy and tightly held purse strings.

Washington: The Nation's Showplace? provides a penetrating analysis of the crisis the capital city now faces and chronicles the long campaign still being waged by D.C. residents -- many of whom play a leading role in affairs of state on the national level -- to achieve a local government of their own, sensitive to their needs and receptive to full citizen participation in seeking answers to current problems. The recent reorganization of the city's government may bring about a more effective operation, but it will not provide elected city officials responsive to the residents.

Arguments of the opponents of Home Rule are weighed and discussed here, and serious consideration is given to the need for representation in Congress since Washingtonians have no "voice" on the Hill and therefore play no part in shaping or influencing national legislation.

The Hon. Jeffery Cohelan, U.S. Representative from the state of California, found Washington: The Nation's Showplace? so "precise and persuasive" that he had it read into the Congressional Record on May 23, 1967.

Copies of this pamphlet may be ordered from the League of Women Voters of the United States, 1200 17th Street, N.W., Washington, D.C. 20036, or from the (insert name and address of local League) for 15 cents each (prepaid).

# # # # #

Leg.

Time For ACTION

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES

[redacted]

October 10, 1967
This is going on Duplicate
President's Mailing

TO: Local and State Leagues
FROM: Mrs. Robert J. Stuart
RE: District of Columbia -- Constitutional Amendment for Congressional Representation for the District of Columbia (H.J.R. 396) -- Letters to the House of Representatives.

The House Judiciary Committee today approved H.J.R. 396, and I sent the following wire to Representative Emanuel Celler, the Committee Chairman:

> "WE WISH TO COMMEND YOU AND THE MEMBERS OF THE HOUSE JUDICIARY COMMITTEE FOR THE FAVORABLE REPORT ON THE CONSTITUTIONAL AMENDMENT TO PROVIDE FULL REPRESENTATION IN CONGRESS FOR THE RESIDENTS OF THE DISTRICT OF COLUMBIA. A VOICE IN THE AFFAIRS OF THEIR NATIONAL GOVERNMENT BY D.C. CITIZENS IS LONG OVERDUE. NATIONWIDE, OUR MEMBERS WILL WORK FOR PASSAGE IN THE CONGRESS AND THEN FOR SPEEDY RATIFICATION BY THE STATE LEGISLATURES."

We have been following the progress of this proposed amendment for many months. During National Council meeting in May, delegates from New York talked with Congressman Emanuel Celler (D., N.Y.), Chairman of the Committee, urging early action on the proposal. On July 26, Mrs. Donald Clusen of the National Board testified before the full Committee in support of voting representation in Congress for the District.

On July 11, we sent a memo to the Leagues whose first-term Republican representatives had introduced resolutions similar to H.J.R. 396, and to Leagues whose representatives are on the House Judiciary Committee. Many of these Leagues wrote their Congressmen commending them for their support of representation in Congress for the District or urging favorable Committee action on H.J.R. 396. Some Leagues wrote letters to the editors of their local papers.

THE PROPOSAL: H.J.R. 396 as approved by the House Judiciary Committee provides two senators for the District and the number of representatives to which it is entitled by population. In other words, the amendment would give representation to D.C. citizens on the same basis as to any other U.S. citizens.

It does not grant the District the status of a state, however, it does not override or invalidate Article I, Section 8,* which gives the power to Congress "To exercise exclusive Legislation in all Cases whatsoever, over such District . . ," a power not granted in respect to states. H.J.R. 396 simply gives D.C. citizens a voice in Congress equal to that of other citizens.

The Administration proposal guaranteed one seat in the House, and allowed such other representation as Congress might later provide, up to the number of senators and representatives to which the District would be entitled if it were a state. The proposal approved by the Committee would guarantee in the Constitution full representation rather than leave achievement of some representation to statutes. We supported the Administration's proposal in our July 26 testimony, but we are pleased that the Com-

* United States Constitution

mittee has expanded the proposed amendment to guarantee in the Constitution full representation.

WHAT THE LEAGUE CAN DO: Now the entire League has the opportunity to take part in what we hope will be a historic event for the District of Columbia -- attainment of full representation in Congress. This has been a League goal since 1924, a commitment for over 40 years. With an all-out effort now, perhaps the 50th anniversaries of the League and of the constitutional amendment permitting women to vote may celebrate also the granting of a voice in Congress to another group of disenfranchised citizens-- residents of the District.

Timing: The House Judiciary Committee has two weeks to write its report. Then the proposal goes to the House Rules Committee for calendaring. It is possible that it might get to the floor of the House by late October or early November.

Action: Since a constitutional amendment needs to be approved by a two-thirds vote in each House before it can be submitted to the states for approval, it is important to gain as much support as possible for this proposal, and to concentrate at this time on House members.

Editorials in your local papers, letters from League members, letters from other citizens in the community, as well as official League letters, will be needed. The issue should have wide appeal. The denial in our country of representation in Congress to citizens who pay federal taxes, who are subject to the draft, who are required to obey the laws, is hard to defend.

Be sure to inform your members of the attitude of your representative, if you can, so the letters can be tailored. Make use of the Background Material listed below.

BACKGROUND MATERIAL:

Statement to the House Judiciary Committee, July 26, 1967.

NATIONAL CONTINUING RESPONSIBILITIES, 1966-1968, pp. 9-15.

FACTS & ISSUES, April 1967 - "Washington: The Nation's Showplace?" (useful for community distribution and with news media).

NATIONAL VOTER, March 1967, "A D.C. Leaguer Looks at Washington."

The Texas Research League is a citizen-supported nonprofit, nonpolitical educational corporation engaged in objective, factual research into the operations, programs and problems of Texas government.

TEXAS METROPOLITAN STUDY

newsletter

A PROGRESS REPORT ON THE LEAGUE'S STUDY OF THE GOVERNMENTAL PROBLEMS OF 23 URBAN REGIONS

TEXAS RESEARCH LEAGUE • DRAWER C CAPITOL STATION • AUSTIN, TEXAS

MAY 1968

ONE MAN, ONE VOTE: THE MIDLAND CASE

"We hold that petitioner, as a resident of Midland County, has a right to a vote for the Commissioners Court of substantially equal weight to the vote of every other resident," said the United States Supreme Court in a landmark decision[1] which applied the "one man, one vote" rule of *Reynolds v. Sims*[2] to possibly as many as 81,000 units of local government. Besides virtually handing control of the county commissioners courts to the residents of the major city in many counties, the Court indicated that this criterion will apply to all units of local government with "general governmental powers."

FROM THE TEXAS DISTRICT COURT TO THE U. S. SUPREME COURT

The U. S. Supreme Court's decision agreed in result with that of the Texas District Court, which had been reversed by both the Texas Court of Civil Appeals and the Texas Supreme Court. Midland Mayor Hank Avery brought suit against the County of Midland and its commissioners, seeking redistricting of the precincts. The district court held that the precincts must contain substantially the same population. The Civil Appeals Court reversed this. Then the Texas Supreme Court, deciding that the "legislative" functions of the commissioners were "negligible," held Midland County's precincts not violative of the Federal Constitution, but against the Texas Constitution's mandate that they be delineated according to "the convenience of the people," and held that factors other than population could be considered when the precincts were reapportioned.[3] But, the U. S. Supreme Court then insisted that the basis for precinct equality must be population *only*, as the commissioners do perform legislative functions, mentioning their power to set a tax rate, equalize assessments, issue bonds, adopt budgets with broad discretion as to expenditures, and impose taxes equally on all property in the county. These "general governmental powers" bring the county court under the reasoning of the *Reynolds* case, whereby "diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment."

EFFECT ON THE COUNTY GOVERNMENTS

Simple arithmetic indicates that, in a county with complete population equality in all precincts, the major city will inevitably elect three or more commissioners if that city contains 75% or more of the total population. There are 38 Texas counties in this category. The commissioners courts in most of our counties, however, can still use their own discretion in balancing power between the residents of the major city and other residents of the county. The accompanying table shows the minimum number of commissioners which must inevitably be elected by the residents of the major city no matter how precincts are delineated, so long as they are equal in population. Any number from the minimum to the maximum, inclusive, may be elected by the voters in the major city, depending upon how precincts are divided.

One side effect of reapportionment may be increased attention given by the commissioners court to the municipal area, where areawide governmental services would be beneficial. The U. S. Supreme Court felt this was needed, saying, "Indeed, it may not be mere coincidence that a body apportioned with three of its four voting members chosen by residents of the rural area surrounding the city devoted most of its attention to the problems of that area, while paying for its expenditures with a tax imposed equally on city residents and those who live outside the city."

ACTION NECESSARY BY LOCAL UNITS

If Texas counties are presently apportioned as they were shown to be in a 1964 survey,[4] then 90% of them will have to take action to reapportion one or more precincts in order to come within 15% of an accurate apportionment, the maximum deviance suggested by the American Political Science Association.

Reapportioning precincts according to population is not the only method of complying with the U.S. Constitution. Various methods have been proposed, discussed and used by other courts, councils and states, but the introduction of any of them in Texas would require a constitutional amendment. The simplest is an "at-large" election of commissioners, with or without a residence requirement, as suggested in a 1967 report by the Texas Legislative Council. This method was upheld by the U. S. Supreme Court in the *Dusch* case,[5] even with disportionate districts. Another method is to define the commissioners court as a "special purpose" unit with the duty of performing functions primarily for a certain defined group of citizens (such as rural citizens). The U. S. Supreme Court mentioned this as a system that would give greater influence to the persons most affected by the commissioners' functions, but it reserved decision on its legality, saying this method was not presented by the Midland case. Other possibilities might be (1) to separate the city from the county, or (2) to give each commissioner a "weighted" vote proportionate to the population of his precinct. This last method

[1] *Avery v. Midland County, Texas, et al.*, 88 S. Ct. 1114 (1968).
[2] *Reynolds v. Sims*, 84 S. Ct. 1362.
[3] *Avery v. Midland County, Texas, et al.*, 406 SW2d 422 (Tex.).
[4] *County Representation and Legislative Reapportionment*, Charldean Newell, Institute of Public Affairs, The University of Texas, 1965, Appendix A.
[5] *Dusch v. Davis*, 87 S. Ct. 1554.

may or may not be constitutional, but it logically agrees with the *Reynolds* and *Avery* cases.

Can the county commissioners courts wait to see if the Texas Legislature takes any action on this problem in 1969, or can they wait until the 1970 Census? The U. S. Supreme Court made no mention of a time limit; however, since it was applying the *Reynolds* case to units of local government, it is logical to assume that the reasoning in the *Reynolds* case is appropriate: "once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan."

APPLICATION TO OTHER LOCAL GOVERNMENTS

This decision does not apply exclusively to the commissioners courts. The language of the U. S. Supreme Court encompassed all units with "general governmental powers" and mentioned specifically "city council, school board or county governing board": The city council obviously fits the category, but the school board case is not so clear; in fact, there is a possible contradiction in the federal courts. Two federal district courts held that *Reynolds* applied to school boards in cases where the boards only had the power to perform functions such as hiring of teachers, approval of annual budgets and purchase of supplies; one board had no tax levying powers.[6] But, the U. S. Supreme Court held that a Michigan board of education, which had authority equal to the boards in the district cases and, additionally, could levy taxes and realign school districts, did not come under the one man, one vote rule because it performed administrative functions "not legislative in the classical sense" and because the board members were appointed.[7] These cases may be viewed from two angles: Either the Supreme Court's decision overruled the lower court cases, meaning that school districts need not comply with the one man, one vote principle; or, the cases can be considered to be compatible, differing in the fact that the Michigan board of education was appointed, leaving the conclusion that some local units need not be apportioned according to population if the officials are appointed, but that they must be if elected. Accepting this conclusion creates a problem as to how far this extends. Must all elected officials who administer state legislation be elected from districts of substantially equal population? And will this apply in Texas to Water Control and Improvement Districts, Junior College Districts, Soil Conservation Districts and so on? Only the U. S. Supreme Court will ultimately resolve this problem.

Until such time as the U. S. Supreme Court finds occasion to discuss this principle again, county and city governments around the Nation will be in the process of realigning their districts according to population, and state legislatures will be considering alternative solutions. The results of this partial transfer of electoral power at the local level from rural to urban areas will become evident and can be discussed better at a future date.

[6] *Strickland v. Burns,* 256 F. Supp. 824 (Tenn.,); *Delozier v. Tyrone Area School Board,* 247 F. Supp. 30 (Pa.).
[7] *Sailors v. Board of Education of County of Kent,* 87 S. Ct. 1549.

DEGREE OF MAJOR CITY CONTROL IN A COUNTY WITH FOUR PRECINCTS OF EQUAL SIZE

% of Population In Major City	Number of Texas Counties With This %	County Commissioners Elected by Major City Voters	
		Minimum	Maximum
87.5% & over	14	4	4
75.0% to 87.4%	24	3	4
62.5% to 74.9%	29	2	4
50.1% to 62.4%	37	1	4
12.5% to 50.0%	144	0	3, 2, or 1
less than 12.5%	6	0	0

TEXAS RESEARCH LEAGUE
DRAWER C, CAPITOL STATION
[redacted]

Mrs. Carl Herman, Jr.
[redacted]

NUMBER 27

population could be considered when the precincts were reapportioned.[3] But, the U. S. Supreme Court then insisted that the basis for precinct equality must be population *only*, as the commissioners do perform legislative functions, mentioning their power to set a tax rate, equalize assessments, issue bonds, adopt budgets with broad discretion as to expenditures, and impose taxes equally on all property in the county. These "general governmental powers" bring the county court under the reasoning of the *Reynolds* case, whereby "diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment."

EFFECT ON THE COUNTY GOVERNMENTS

Simple arithmetic indicates that, in a county with complete population equality in all precincts, the major city will inevitably elect three or more commissioners if that city contains 75% or more of the total population. There are 38 Texas counties in this category. The commissioners courts in most of our counties, however, can still use their own dis-

only method of complying with the U.S. Constitution. Various methods have been proposed, discussed and used by other courts, councils and states, but the introduction of any of them in Texas would require a constitutional amendment. The simplest is an "at-large" election of commissioners, with or without a residence requirement, as suggested in a 1967 report by the Texas Legislative Council. This method was upheld by the U. S. Supreme Court in the *Dusch* case,[5] even with disportionate districts. Another method is to define the commissioners court as a "special purpose" unit with the duty of performing functions primarily for a certain defined group of citizens (such as rural citizens). The U. S. Supreme Court mentioned this as a system that would give greater influence to the persons most affected by the commissioners' functions, but it reserved decision on its legality, saying this method was not presented by the Midland case. Other possibilities might be (1) to separate the city from the county, or (2) to give each commissioner a "weighted" vote proportionate to the population of his precinct. This last method

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[4] *County Representation and Legislative Reapportionment*, Charldean Newell, Institute of Public Affairs, The University of Texas, 1965, Appendix A.
[5] *Dusch v. Davis*, 87 S. Ct. 1554.

REPORT *from* THE HILL

LEAGUE ACTION SERVICE

LEAGUE OF WOMEN VOTERS

OF THE UNITED STATES

[redacted]

25 CENTS A COPY

NO. 91-I-4

March 31, 1969

EASTER RECESS BEGINS

Congress plans to recess over Easter. The House of Representatives will be out from April 3 to April 14. The Senate plans a shorter recess--from April 4 to noon on April 9. Many Congressmen return to their states and districts during the recess, and this is often a good time to meet with them. This Report will bring you up to date on congressional activity through Friday, March 28, and little is expected to happen the week of March 31.

HUMAN RESOURCES

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969 (H.R. 514): This bill will not reach the floor of the House before the Easter recess (see Report from the Hill No. 91-I-3, March 24, 1969). House Education and Labor Committee Chairman Carl Perkins (D., Ky.) was scheduled to go before the House Rules Committee the week of March 24 to ask for a rule on H.R. 514. However, William Colmer (D., Miss.), Chairman of the Rules Committee, was out of town and would not permit the Rules Committee to meet on this bill. H.R. 514 will probably come to the House shortly after April 14.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969 (H.R. 513): The House Committee on Education and Labor March 24 began hearings on H.R. 513 to authorize a five-year extension of the programs under the Economic Opportunity Act of 1964.

President Nixon, in his February 19 message to Congress (see Report from the Hill No. 91-I-2, March 3, 1969) recommended a one-year extension of the programs and the shifting of four antipoverty programs from the Office of Economic Opportunity (OEO) to other federal agencies. Since the Administration has not submitted its own bill, the Committee is presently hearing from public witnesses. Mrs. Benson is scheduled to testify for the League on Thursday, May 1, during Council, when state League leaders will be in Washington.

Mrs. Benson will incorporate in her testimony excerpts from the Community Action Agency surveys local Leagues have been returning to the national office. These surveys reflect the Leagues' high estimation of the Head Start program. The League will strongly support continuing the program's goals and aims as they are now designed: to involve the parents of the children served, to provide health as well as child development services, to reach as many as possible of the children for whom the program was designed. Head Start's inauguration and approach has been innovative and experimental. It has created some ripples of change in traditional educational methods and practices.

Delegation of this program to the Department of Health, Education and Welfare (HEW) was accomplished by Executive Order (effective July 1969) and requires an agreement

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between OEF and HEW as to the conduct of the program appropriations will still be a part of the OEO budget. Any changes in direction or guidelines of the program will need the concurrence of OEO. Transfer, on the other hand, requires legislation; it would remove the program, including its budget, from any authority of OEO.

In the event of proposals for transfer of Head Start to HEW, unless the legislation necessary to effect this change includes in its language those elements the League supports, the League will oppose transfer.

MANPOWER PROGRAMS: On March 13, President Nixon announced plans to reorganize manpower programs in the Department of Labor. Earlier he had delegated the Job Corps program from OEO to the Labor Department (delegation can be accomplished by Executive Order; transfer requires legislation).

"The new Manpower Administration will decentralize its functions; a single line of authority from Washington to the field will be established; the regional offices will assume greater responsibility; the overlapping of functions among various bureaus should largely disappear," said President Nixon.

Among the programs incorporated into this unit are the Manpower and Development Training Program, New Careers, Operation Mainstream, Neighborhood Youth Corps, Work Incentive, Apprenticeship Outreach, Concentrated Employment, and JOBS (Job Opportunities in the Business Sector).

The President also said, "This administrative reform opens the door to the reorganization of the Job Corps and an elimination of those phases of the program which have proved both inefficient and ineffective in meeting the problem of job training."

COMPLIANCE WITH TITLE VI--CIVIL RIGHTS ACT OF 1964: Several developments have taken place in the implementation of equal opportunity in education and in employment. In his first enforcement action, Secretary of HEW Finch suspended federal aid funds to five southern school districts, allowing an additional 60 days to negotiate, with the possibility of getting back the funds. Previously a district could not get funds back retroactively, even if it later came up with an acceptable plan. However, Secretary Finch said that this action was not to be interpreted as a permanent policy decision.

The Department of Defense on February 7, 1969, approved $9.4 million in contracts to three South Carolina textile companies threatened a week earlier by loss of federal contracts because of violations involving racial discrimination. According to David Packard, Deputy Secretary of Defense, the three companies received the contracts because company executives promised "affirmative action" to end racial discrimination in employment. The Office of Federal Contract Compliance, which has the authority to withhold or cancel contracts with companies found to violate the policy of equal employment opportunity, was bypassed in this action.

The League opposes any weakening of efforts to bring about equal opportunity in education, employment, and housing and will continue to be watching developments carefully for opportunities to oppose any action that would relax approaches to end discrimination.

FOREIGN POLICY

INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA): The House passed H.R. 33 March 12 by a vote of 247 yeas, 150 nays (see No. 1 Congressional Voting Record at end of Report). Prior to House passage, Secretary of Treasury David M. Kennedy testified before the

House Banking and Currency Committee urging approval of the funds and said he did so with the President's "full approval and support" (see Federal Spotlight, NATIONAL VOTER, March, 1969). Secretary Kennedy was scheduled to appear before the Senate Foreign Relations Committee on this legislation, Tuesday, April 1. Because of the death of former President Eisenhower, the hearings have been postponed until after the Easter recess. The League will submit a statement to the Senate Committee, similar to the March 3 statement to the Banking and Currency Committee, reiterating our support of H.R. 33.

RATIFICATION OF THE NUCLEAR NONPROLIFERATION TREATY: Almost immediately after our January 27 Time for Action, local and state League communications began to pour into the White House and Senate offices. Volumes of League letters reached President Nixon before he finally submitted a special message to the Senate February 5 urging its prompt approval of the nonproliferation treaty. League letters also poured into the offices of Senate Foreign Relations Committee Chairman Senator Fulbright (D., Ark.) as well as other Senators before the Committee favorably acted on the treaty February 25 and before the Senate gave its final approval March 13. Although it is difficult to measure the influence which the League may have had, League members can draw satisfaction from being actively involved in this widely publicized foreign policy issue (see No. 2 Congressional Voting Record at end of Report).

INTERNATIONAL TRADE: The new Administration is moving slowly in organizing itself on the trade front. A successor to Special Trade Negotiator William M. Roth has not been named (in fact Secretary of Commerce Maurice Stans is pushing for STR's abolition). President Nixon did indicate at a February 5 press conference his intention to continue U.S. liberal trade policies. Although he indicated also that he took a dim view of quotas, at the same time he stressed that the U.S. textile industry constitutes a special case. Various official announcements since that time have confirmed the rumors that the Administration plans to negotiate with our trading partners in Europe and Japan on voluntary quotas on woolens and synthetic fibers (presumably to be included in a new international textile agreement to succeed the one negotiated in 1961 soon after John F. Kennedy became President). Although Commerce Secretary Stans is heralding the voluntary quota approach as the best and in fact only way to head off a major protectionist push in Congress for mandatory quotas, sophisticated analyzers predict that it will in the long run accelerate rather than defuse the protectionist movement both at home and in other countries. Secretary of Commerce Maurice Stans is scheduled to go to Europe on April 11. Secretary Stans said he expects to have informal talks with European officials about "the whole range of factors affecting international trade" and one of the specifics he cited was the rising level of low-cost textiles entering the United States from Europe.

The fight against import quotas, whether mandatory or voluntary, is being waged through a coordinated effort with other liberal trade supporters. As a part of League effort to strengthen the positions of other organizations working in this field, Mrs. Benson spoke to the trade policy committee of the American Retail Federation February 27 (the invitation came as a direct outcome from Mrs. Benson having served with Ohio retailer Charles Lazarus on President Johnson's Trade Advisory Committee). One of the byproducts of that successful engagement is an unusual opportunity to cooperate with the retail industry on a nationwide effort to enlist the editorial support of newspapers across the country. Enclosed with this mailing is an open letter to the newspaper editors from the League of Women Voters, followed by reproductions of selected efitorials which have already appeared on the textile quota issue. This brochure is being mailed this week to every daily newspaper in the country (over 900). Local Leagues will want to follow up on this national mailing by checking with their own local newspaper editors to encourage them to write editorials. We hope that Leagues will send copies to the national office of any editorials that appear in their local press.

The League is, of course, also taking its own independent action on this issue, e.g., Mrs. Benson's identical letters sent March 18 to Special White House Assistant Robert Ellsworth (who is assigned the textile problem) and to Commerce Department Secretary Maurice Stans.

Meanwhile we continue to work on the Nixon Administration to retain the Office of the Special Trade Negotiator and to appoint a successor to William Roth as early as possible. A telegram to this effect was sent to President Nixon on March 14, with copies of the wire and supplementary covering letters sent to various prominent Administration officials and key congressional leaders. According to a March 21 New York Times news story the League of Women Voters and other organizations have had an impact in countering the Commerce Secretary's strong push for moving the trade negotiator's functions into his Department. The matter is not yet settled and we are continuing to press on this key issue. On March 26, the League joined with 12 other organizations in requesting a meeting with the President to discuss the future of STR. As of March 31, the issue is still unresolved.

WATER RESOURCES

WATER QUALITY IMPROVEMENT ACT OF 1969

Congressional Outlook

Committee hearings described in Report from the Hill No. 91-I-2, March 3, 1969, are ended. Amendments to the Federal Water Pollution Control Act are moving rapidly through the committees in this session of Congress.

The Senate Public Works Committee's Subcommittee on Air and Water Pollution has held one executive session on S.7, plans to hold two more such sessions during the first week of April, and expects to release the Committee report shortly after Congress returns from its Easter recess.

The House Public Works Committee considered 16 major areas covered by bills introduced by 58 members, according to Rep. John Blatnik (D., Minn.), and then wrote the bill reported out as H.R. 4148 (Fallon, D., Md.) on March 25, 1969 (House Report 91-127). On March 26 the House Rules Committee voted to give H.R. 4148 a rule allowing three hours debate. The vote is expected on April 15, the day Congress reassembles.

The House Merchant Marine and Fisheries Committee meantime is holding hearings on two bills to amend the Oil Pollution Act of 1924, H.R. 6495 (Garmatz, D., Md.). This Committee and the House Public Works Committee are involved in a jurisdictional dispute over which committee should handle legislation on oil pollution from vessels and offshore installations. The Merchant Marine and Fisheries Committee expects to hold hearings on its bills during the first week in April, report out a bill immediately upon Congress' return to Washington, and ask for a rule. The rationale seems to be that since the Senate has not acted there is still time for unforeseen developments even though the Public Works Committee already has a rule. According to the House Merchant Marine and Fisheries Committee chairman, the sections on "Control of Pollution by Oil and Other Matter" and "Control of Sewage from Vessels" should be removed from H.R. 4148, the Public Works Committee bill, and the subjects returned to the Merchant Marine and Fisheries Committee, because to do otherwise would strip the latter Committee of important jurisdiction. When conflicts of jurisdiction arise in the Senate, a bill can be referred from one committee to another and both can report, but the House has no such arrangement.

League Action

A statement dated March 17 was filed with the House Public Works Committee. This expression of League opinion on many proposals in the numerous bills before the Committee should be read along with the following summary of H.R. 4148 as rewritten and reported to the House for favorable consideration. A copy of the League statement accompanies this Report from the Hill. Additional copies are available from the League's national office for 20 cents, prepaid.

Control of Pollution by Oil and Other Matter

The Torrey Canyon breakup and the Santa Barbara offshore drilling disaster demonstrated the inadequacy of the Oil Pollution Act of 1924 in today's world. As House Report 91-127 explains, the 1924 law "applies only to discharges and spills that are grossly negligent or willful; limited to vessels, it does not apply at all to spills from fixed installations such as pipelines, oil deposits, refineries, or manufacturing plants or other types of industrial activity using and storing large quantities of oil. Confined to oil, the 1924 act provides no protection against dozens of other potentially hazardous substances." Protection is also needed against ecological damage resulting from contamination of water, shorelines, and beaches by oil and by chemicals used in attempting to deal with oil spills.

H.R. 4148 as reported (i.e., a clean bill, with all original wording stricken and replaced by substitute text) proposes to meet present needs by

. requiring immediate notification by the individual in charge of a vessel or an offshore or onshore facility of any substantial discharge of oil, with a criminal penalty of $5000 for failure to notify

. prohibiting discharge of oil or other hazardous substances in substantial quantities from vessels if the discharge threatens or actually pollutes the U.S. territorial sea, the contiguous zone, shorelines, or beaches; setting a maximum civil penalty of $10,000 for each willful and negligent discharge, (the Coast Guard to assess the amount according to the gravity of the offense and the ability of the owner or operator to continue in business; exempting publicly owned vessels and discharges caused by war, sabotage, unavoidable accidents, etc.

. requiring the U.S. government to arrange for removal of oil or other matter discharged into waters, shorelines, or beaches when there is an actual or threatened pollution hazard and the responsible owner or operator has not made adequate arrangements for cleanup

. making the owner or operator of a vessel, an offshore facility within the seaward boundary of a state, or an onshore facility responsible for (a) removing discharged oil or hazardous matter or (b) repaying removal costs to the U.S. government up to a maximum of $10,000,000 for vessels and $8,000,000 for offshore and onshore facilities, with the repayment requirement applying to onshore facilities only after classification has established degrees of liability for different activities

. requiring the Secretary of Interior to establish criteria and issue regulations for procedures, methods, and equipment for removal of discharged oil or matter to insure that waters, beaches, and shorelines, including the marine environment, will not be damaged; setting a maximum civil penalty of $5,000 for each court-established violation of such environmental quality regulations

. establishing a revolving fund in the U.S. Treasury of not more than $20,000,000, to be administered by the Coast Guard

- providing that the President shall delegate responsibility for removing discharged oil or other matter among the agencies in accordance with a national contingency plan.

The Merchant Marine and Fisheries Committee bill (H.R. 6495) contains substantially the same provisions in a simpler form. No provision is made for a contingency plan since this Committee would place cleanup in the hands of the Coast Guard. One additional provision would allow the Secretary of the department in which the Coast Guard is operating to suspend or revoke the license of any master or officer who willfully or negligently permitted unlawful discharge of oil from a vessel or violated regulations governing its cleanup. In addition, H.R. 6495 forbids prospecting, extracting, or disposing of oil or gas located beneath any navigable U.S. water except with a permit from the Secretary of Interior.

Control of Sewage from Vessels

Wastes from vessels cause severe pollution in bays, inlets, lakes, harbors, and marinas. Most vessels are not equipped to give even minimal treatment to sewage. The growing popularity of recreational boating makes it important to look ahead to sewage control on all vessels equipped with installed toilet facilities.

H.R. 4148 directs the (a) Secretary of Interior to promulgate federal performance standards for marine sanitation devices to receive, retain, treat, or discharge sewage and (b) Coast Guard to promulgate regulations governing design, construction, installation, and operation of these devices on board vessels. Both agencies are instructed to conduct public hearings and work closely together.

After their promulgation, standards and regulations are to be applicable to new vessels in two years and old vessels in five years; however, Interior and the Coast Guard may exempt certain classes, types, and sizes of vessels. Standards and regulations are to apply to vessels owned and operated by the United States unless the Secretary of Defense finds compliance interferes with national security.

Under H.R. 4148 the federal government preempts the field of marine sanitation devices, but the proposed legislation specifically provides that any state may prohibit discharge of treated or untreated sewage within intrastate waters where all other discharges are prohibited.

Licensing of Activities that Discharge into Navigable Waters

House Report 91-127 speaks of the wide variety of licenses and permits for construction, operation, etc., issued by various federal agencies. This section of H.R. 4148 is intended to "provide reasonable assurance that no license or permit will be issued by a federal agency for an activity that through inadequate planning or otherwise could in fact become a source of pollution." Thermal pollution is the real target.

The proposed arrangement is that an applicant for a federal license to conduct an activity that will discharge into U.S. navigable waters must provide the licensing agency with certification from the affected state, states, or interstate water pollution control agency that there is "reasonable assurance" the activity will be conducted in a way which will not reduce the water quality below that set in the applicable standard. Certification is required when applying for a construction license and again when applying for an operating license.

Actual construction commenced before the effective date of this legislation must be certified for a federal operating license when two years have elapsed. "Actual

construction" is described as "building, erecting, excavation of structure or other facility."

A license or permit issued under certification may be suspended if the proper court finds that the licensee is not complying with applicable water standards. According to House Report 91-127 this provision will apply to renewals of existing licenses or permits for activities which cause discharge into navigable waters.

Other Provisions of H.R. 4148

The training grant program already authorized in the Federal Water Pollution Control Act is expanded to authorize grants and contracts with institutions of higher education to assist them "to train undergraduate students interested in design, operation, supervision, inspection, evaluation, and maintenance of waste treatment works and other facilities for water pollution control," according to House Report 91-127. "The grants or contracts may be used," the report reads, "to plan programs or projects to train persons in the operation of such works, to train faculty, to conduct institutes, to carry out new cooperative work-study programs."

A program of scholarships is provided to attract high school graduates to prepare themselves to operate and maintain sewage treatment works. Scholarships will include allowances for subsistence and other expenses of the student and his dependents. The recipient must agree in writing to remain in design, maintenance, or operation of treatment works for a reasonable time.

Control of acid mine drainage will be assisted by an authorization of $15,000,000, available until expended, to demonstrate methods to control or eliminate acid or other mine water pollution from active or abandoned mines within all or part of a watershed.

A change of name from the Federal Water Pollution Control Administration to the National Water Quality Administration is proposed.

RATIFICATION OF THE NUCLEAR NONPROLIFERATION TREATY

VOTE ON SENATE PASSAGE - March 13, 1969

This vote is on Senate approval of the resolution for ratification of the Nuclear Nonproliferation Treaty to ban the spread of nuclear weapons. The vote came after four days of debate, during which the Senate rejected six reservations and understandings. (For Senate debate, see Congressional Record, March 10, 11, 12, 13.)

The Vote on Senate passage -- 83 yeas, 15 nays, 2 not voting*
(A 2/3rds majority vote was needed for passage.)

YEAS - 83

Aiken	Gravel	Mundt
Allott	Griffin	Muskie
Anderson	Hansen	Nelson
Baker	Harris	Packwood
Bayh	Hart	Pastore
Bellmon	Hartke	Pearson
Bennett	Hatfield	Pell
Bible	Holland	Percy
Boggs	Hruska	Prouty
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, N.C.	Schweiker
Case	Jordan, Idaho	Scott
Church	Kennedy	Smith
Cook	Magnuson	Sparkman
Cotton	Mansfield	Spong
Cranston	Mathias	Stevens
Dirksen	McCarthy	Symington
Dodd	McGee	Talmadge
Dole	McGovern	Tydings
Eagleton	McIntyre	Williams, N.J.
Ellender	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N.Dak.
Goodell	Montoya	Young, Ohio
Gore	Moss	

NAYS - 15

Allen
Curtis
Dominick
Eastland
Ervin
Fannin
Goldwater
Gurney
Hollings
Long
Murphy
Russell
Stennis
Thurmond
Tower

NOT VOTING - 2

Cooper
McClellan

*Congressional Record, March 13, 1969, p. S 2831

AUTHORIZATION FOR THE INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA)

HOUSE VOTE ON PASSAGE -- March 12, 1969

This vote was on House passage of H.R. 33 to provide for the authorization of a $480 million U. S. share (over a three year period) of a $1.2 billion replenishment for IDA, the soft-loan arm of the World Bank. The bill was passed 247-150. A "yea" vote was a vote supporting the League position.

The Vote on House Passage -- 247 yeas, 150 nays, 33 not voting*

YEAS—247

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Bates
Beall, Md.
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Clark
Cohelan
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dellenback
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Hosmer
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kirwan
Kluczynski
Koch
Kyros
Landrum
Leggett
Lloyd
Long, Md.
McCarthy
McClory
McCloskey
McCulloch
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Mikva
Miller, Calif.
Minish
Mink
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rees
Reid, N.Y.
Reifel
Reuss
Riegle
Rivers
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Stephens
Stratton
Sullivan
Symington
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young
Zablocki

NAYS—150

Abbitt
Adair
Alexander
Andrews, Ala.
Ashbrook
Baring
Belcher
Bennett
Berry
Betts
Blackburn
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Bush
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Daniel, Va.
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Eshleman
Fisher
Flowers
Foreman
Fountain
Frey
Fuqua
Gaydos
Goodling
Gross
Grover
Hagan
Haley
Hall
Hammer-schmidt
Harsha
Hastings
Henderson
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
King
Kleppe
Kuykendall
Passman
Pettis
Pollock
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Rogers, Fla.
Roudebush
Ruth
Kyl
Landgrebe
Langen
Latta
Lennon
Lipscomb
Long, La.
Lujan
Lukens
McClure
McEwen
McKneally
Mann
March
Martin
Meskill
Miller, Ohio
Mills
Minshall
Mizell
Montgomery
Myers
Natcher
O'Konski
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Sikes
Skubitz
Smith, Calif.
Snyder
Steed
Steiger, Ariz.
Stubblefield
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Waggonner
Wampler
Watkins
Watson
Watts
White
Whitehurst
Whitten
Wiggins
Williams
Winn
Wold
Wylie
Wyman
Zion
Zwach

NOT VOTING

Bell (Calif.)
Blanton
Clay
Conable
Conyers
Cunningham
Edwards (La.)
Esch
Evins (Tenn.)
Flynt
Foley
Gubser
Hawkins
Howard
Kastenmeier
Lowenstein
McDonald (Mich.)
Nelsen
Nichols
Pelly
Scheuer
Steiger (Wis.)
Stokes
Stuckey
Utt

NOT VOTING -- PAIRED FOR

Delaney
Gray
Podell
Ronan

NOT VOTING -- PAIRED AGAINST

Abernathy
Hébert
McMillan
O'Neal (Ga.)

* See Congressional Record, March 12, 1969, p. H 1626-1627

LWV of Texas
April 2, 1969

TO: Local League Presidents and Water Resources Chairmen

FROM: Mrs. Walter E. Caine

RE: Important hearing on one phase of Texas Water Plan

The Texas Water Rights Commission is holding a public hearing on Thursday April 10, 1969 at 10:00 A.M. in Austin at the Texas Highway Department, 11th and Brazos Streets, on the Texas Water Plan "to determine whether or not said Plan gives adequate consideration to the protection of existing water rights in this state and to determine whether or not said Plan takes into account modes and procedures for the equitable adjustment of water rights affected by said Plan."

BACKGROUND:

Texas water laws are based on two conflicting doctrines:

1. DOCTRINE OF RIPARIAN RIGHTS: a riparian landowner is one who owns land adjoining a stream or through which a stream flows. These landowners have a mutual right to share in the use of normal flow of these waters which pass their lands. According to the courts, riparian use is limited to "reasonable use." The riparian owner derives his right from the deed or grant by which he obtained the land. Takes precedence over any other water right.

2. DOCTRINE OF APPROPRIATIVE RIGHTS: state owns all surface water and has the rights to distribute usage in the best interest of the majority. Used by most western states because of scarcity of water.

* * * * * *

TIME FOR ACTION

LEAGUE ACTION SERVICE
LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES

[redacted]

25 CENTS A COPY

NO. 91-I-10 June 17, 1969

TO: State and Local League Presidents with Senators on the Senate District Committee (mailed to all Leagues for your information)
FROM: Mrs. Bruce B. Benson, President
RE: Self-Government for the District of Columbia

This looks like a year in which legislation for self-government for the District of Columbia has a good chance for passage. There are two bills before the Senate District Committee introduced by its Chairman Senator Tydings (D., Md.) and one introduced by Senator Mathias (R., Md.) on which the League is focusing attention. Senator Tydings' bills are S. 1971, which provides for the election of members of the City Council but otherwise leaves unchanged the powers of the District Government; and S. 1972, which provides for full self-government for the city. S. 1971 is a limited measure designed to insure some measure of self-government immediately if S. 1972 fails of passage. Mathias' bill, S. 1991, also provides for full self-government for the city as well as a non-voting delegate to the House of Representatives.

However, these three bills are not supported by the Administration. Instead, the President has proposed the step-by-step attainment of self-government for the District beginning with the establishment of a Charter Commission. The Charter Commission would be charged to present to Congress by the 1970 session recommendations which would be considered in drafting legislation for D.C. self-government. The President's proposal to establish a Charter Commission is written into a Senate bill, S. 2164, introduced by Senator Prouty (R., Vt.) and a House bill, H.R. 11215, introduced by Congressman Nelsen (R., Minn.).

While it recognizes the opposition which self-government legislation has encountered in the past and will probably encounter again in this session of Congress, and thus understands why the President proposes a step-by-step plan for D.C. self-government, the League considers the President's proposal time-consuming, because the actual bill for D.C. self-government could not be introduced until the second session of the 91st Congress, in 1970.

The League will, of course, support the President's proposal, even if the process for its accomplishment takes a long time, if it is the only route now possible to accomplish our goal. However, the Tydings and Mathias bills provide directly for D.C. self-government and have a fair chance for passage in the Senate.

The enclosed statement has been submitted to the Senate District Committee, urging that it report the strongest self-government legislation possible, as it has done in the past. This Time for Action is for Leagues in the six states with senators

League Action Service is published to assist Leagues and League members in working toward their legislative goals.
Time for Action is sent on Duplicate Presidents Mailing.
Subscription $2.50 for the Congressional session.

on the Senate District Committee. They will meet in conference possibly within the next two weeks, so letters should go immediately to encourage them to report a strong D.C. self-government bill.

The members of the Senate District Committee are:

Democrats	Republicans
Joseph D. Tydings (Md.), Chairman	Winston L. Prouty, (Vt.)
Alan Bible (Nevada)	Charles E. Goodell (N.Y.)
William B. Spong, Jr. (Va.)	Charles McC. Mathias, Jr. (Md.)
Thomas F. Eagleton (Mo.)	

League of Women Voters of the U. S. [redacted] June 17, 1969

STATEMENT
FILED WITH THE
SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA
IN SUPPORT OF
S. 1971, S. 1972 AND S. 1991
BY THE
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
JUNE 16, 1969

The League of Women Voters of the United States is a nonpartisan organization, now nearly 50 years old, which after membership study and agreement supports or opposes specific governmental issues. There are currently 1250 local Leagues and 157,000 members in all of the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. Since 1924, the League has worked for self-government for D. C. citizens.

We would like, first of all, to commend the Senate District Committee for its efforts in the past in recommending strong self-government bills for the District and for its success in promoting passage on several occasions of such bills in the Senate.

The right of D. C. citizens to have a voice in their own city government cannot be denied on any reasonable grounds. The U. S. Constitution provides in Article I, Section 8, that the Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district . . . as may. . . become the seat of the Government of the United States. . ," thus preserving the power of Congress to protect in the District the special interests of the federal government. It does not forbid Congress from allowing D. C. citizens to have a voice in purely local affairs. James Madison, one of the delegates to the constitutional convention, said in the Federalist, ". . . as they /the citizens of the District/ will have their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; . . "

The League of Women Voters hopes this committee will report a bill that will provide, without further delay, a strong self-government bill, in the tradition of this committee. This is not to say that the League will fail to support a measure that promises but delays self-government, if such a bill is the only one certain of passage in both houses of Congress. But we are impatient about the frustrations and the delays already endured by the citizens of the capital of a nation that prides itself on its democratic institutions and the constitutional right of its citizens to a voice in their own affairs. The citizens of capitals of most of the nations of the world, including some under far less democratic forms of government, exercise this right. It is a national tragedy and a disgrace that, over and over, attempts to implement James Madison's "of course" have failed.

# # # # # #

League of Women Voters of the U.S. August 1, 1969

[redacted]

STATEMENT IN SUPPORT OF FOREIGN ECONOMIC AID
TO THE HOUSE FOREIGN AFFAIRS COMMITTEE
BY MRS. DAVID G. BRADLEY, CHAIRMAN
FOREIGN POLICY COMMITTEE
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I am Mrs. David Bradley of Durham, North Carolina, a director of the League of Women Voters of the United States. The League has 157,000 members in the 50 states and in the District of Columbia, Puerto Rico, and the Virgin Islands. Our organization has supported sound and adequate development assistance to the less developed countries ever since the program's inception 20 years ago. We appear today in support of the development assistance proposals put forward by the Foreign Assistance Act of 1969, including technical assistance, development loans, Alliance for Progress and the various multilateral programs.

We are pleased to find that the 1969 act had been skillfully revised in order to clarify the purposes and criteria of economic aid and to organize better the legislative provisions.

My testimony today will focus on major emphases in the legislation -- particularly the emphasis on multilateral aid, technical assistance and private development assistance.

Multilateral Aid. First of all, we welcome the importance given in the bill to multilateral aid, both international and regional. Long recognizing the efficacy of multilateral aid, the League has repeatedly urged changing the proportions in the bilateral-multilateral aid mix. Changing times have placed the multilateral/bilateral issue in a somewhat different perspective. A decade ago, multilateral aid consisted of the loosely coordinated development projects of the United Nations Specialized Agencies and the World Bank's hard loans to countries well on the road to development. Regional development

institutions, as well as new coordinating devices and lending agencies, now supplement the increasingly effective work of the U.N agencies. Also, expanded contributions from other nations have reduced the likelihood of lopsided U.S. contributions or charges of overdomination. Greater reliance on international and regional mechanisms have thus become more feasible today.

In particular, we like the emphasis given in the bill (under Multilateral Coordination) on the mutual advantages of integrating our programs when appropriate with other donor country or multilateral programs, such as the Indian consortium.

We urge the authorization of the full amount of the Indus Basin funds requested for fiscal 1970. I would, in fact, like to cite the Indus Basin as a good illustration of the advantages of utilizing multilateral channels. When the Indus Basin agreements were made, the region was in danger of falling victim to international conflict. By now, much progress has been made in distributing the disputed water of the rivers involved; agricultural progress has been spurred, and open hostilities averted. By working through the World Bank group, the United States has been able to contribute to an essential development need while avoiding seeming intervention in a serious political situation. The advantages of multilateralism are not always so dramatic, but the results nevertheless demonstrate the possible dividends.

This brings me to another point. Under the World Bank, the Indus Basin Development Fund has been administered according to the requirements, standards and procedures of the bank rather than those proscribed by U.S. procedures. H.R. 11792 would extend this authority to other international projects, which include U.S. contributions but are managed by an international organization. The Nam Ngum project (in Laos) in the Mekong Valley is an example. We urge the authorization of this provision of the bill. If we are going to authorize international administration of U.S. funds, it is inefficient to insist that U.S. regulations intended for bilateral programs be

applied. (When the United States contributes funds directly to multilateral institutions, we have, of course, long accepted as standard procedure, that our funds will be used according to their regulations rather than ours.)

The League also vigorously supports the proposed U.S. contribution ($100 million) for the United Nations Development Program and the other U.N. agencies -- an increase of $29 million over the 1968 level. We have been disappointed that more adequate funds have not been forthcoming to support the UNDP in particular. In recent years, our contributions have fallen below the 40 per cent ceiling (with our 1969 pledge of $71 million representing about 33 per cent of total pledges). We are glad that the 1970 U.S. pledge to UNDP has moved once again toward the 40 per cent mark -- with 37.8 per cent total.

Also, we are pleased with the reiteration of the importance of regional cooperation and regional development institutions. We also support the provision proposed in section 401 (a), which continues the availability of 10 per cent of development assistance funds for transfer to international or regional organizations. In summary, we approve the move in the direction of increased funding through multilateral agencies.

Technical Assistance. We welcome the increased funds proposed for technical assistance. New trends in development call for more -- not less -- technical aid, often of a more specialized kind, tailored to the requirements of each less developed country. For example, the recent advances in agriculture have created a need for transportation and storage facilities, for further research, as well as for education of farmers in the use of farm techniques and materials. Developments in other fields -- family planning, education, the search for protein sources -- have also expanded the need for and the kinds of technical aids.

But, of course, technical assistance must go hand in hand with capital assistance. The two are inseparable partners. As with the multilateral-bilateral issue, it is essential to find the right mix.

It is equally urgent, in this time of pressing national needs, that the best use be made of funds. Careful planning and continuity in administration are required. Sound projects once begun must be assured of continuous support. The League strongly supports the proposal for a two-year authorization for technical assistance funds. We would also welcome long-term authorization for other development aid categories.

Private Development Assistance. As for the provisions covering private development assistance, the League has long been aware of the contribution which the U.S. private sector, especially voluntary organizations, can make to economic and social development in the less developed countries. The Overseas Education Fund, a nonprofit, educational affiliate of the League of Women Voters, is an effective example of how American organizations can share techniques for popular participation in the development process without any attempt to transplant wholesale U.S. institutions or procedures.

We also support the view that private investment plays a necessary, if supplementary, part in development. We have for some time backed programs which facilitate private investment in less developed countries (e.g., pre-investment surveys and investment loans) and protect the U.S. investor against special risks (e.g., investment guarantees). At the same time we are sensitive to charges of economic imperialism and are equally concerned that the developing country be protected against exploitation or undue pressures. We urge that any legislation passed by this Congress encourage joint-venture investments as well as the employment and training of native workers.

In short, we welcome attempts to increase private investment in the developing nations provided these requirements are met and provided that there is adequate correlation with out other aid programs.

We do not take a position at this time on specific details of the proposed Overseas Private Investment Corporation. However, League members will be undertaking a comprehensive review of all development programs, including private investments.

* * * * *

I do wish to comment on the new provision for paying the excess costs to the less developed countries when using U.S. bottoms to transport goods purchased with development loans. The 50-50 requirement is in reality a subsidy to the Merchant Marine. It is not an aid cost and certainly should not be paid by the recipient nations. While the payment of these costs out of economic assistance funds would in effect reduce our total assistance available, it at least will not be hidden costs to those who receive development loans.

You will also note that we take no stand in support of military assistance, except to reiterate our desire to see development aid completely separated from military assistance. We continue to hold that development programs should be judged on their own merits -- primarily in terms of our contribution to the international development effort in general and to a recipient country's own development effort in particular.

The League does not find satisfaction in the fact that this is the lowest foreign aid request ever submitted. We deplore the fact that, in spite of the stark realities of world poverty, in spite of our affluence, this country's proportionate contribution to development programs has continuously decreased in relation to other members of the OECD. (The United States has now

now dropped to twelfth place in percentage of GNP devoted to aid.)

The League is, of course, aware of the paradoxes and contradictions which cause the world' richest nation to be concerned about its almost $200 billion dollar budget. But we do not believe it is necessary to cut this under-nourished aid authorization in order to solve U.S. budgetary problems. What is involved, we feel, is the question of how this country handles its unfinished agenda -- how we determine our national and international priorities. The League places priority on people-oriented expenditures -- money for the needs of our own poor as well as for the poor around the world, for the improvement of man's environment, for insuring effective democratic government, for securing lasting peace. These things, we believe, this country must afford.

We therefore urge the full authorization as proposed for economic assistance -- development loans, technical assistance and multilateral programs.

Thank you for providing us this opportunity to appear.

August 1969

Fact & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The Nation's Capital: 'A Nice Place to Visit—But'

The Nation's Capital expects to host 18 million visitors in 1969. It is a beautiful historic city, attracting students and tourists from all over the United States and from other countries.

The visitor to Washington relives the history of his country in many places. In the guarded quiet of the Archives where the original documents are on display, he can visualize the drafting of the Constitution. Copies in the original handwriting of drafts of articles and amendments, some rejected and others modified to become part of the document, recapture the deliberations that produced the final draft.

There are other reminders of the sweep of American events: the Washington monument, the Jefferson and Lincoln memorials, the Capitol statues of famous men and women of the 50 states, the paintings of scenes ranging from the days of the early explorers to the 20th century, the statues in the many small parks and circles throughout the city. Displays in the Smithsonian buildings portray other aspects of the history and development of American life. And, in Arlington Cemetery, directly across the Potomac on the Virginia side, lie buried the dead of our wars at home and abroad.

Two golden horses on the Memorial Bridge, gifts from Italy, flank the Washington approach. Like many other gifts from foreign countries, they are a token of a nation's friendship. The Smithsonian Institution was given to the United States by a British gentleman[1] who had never visited this country. As an individual, he willed his entire estate to the then new nation for an establishment for the "increase and diffusion of knowledge among men."

Along or near Massachusetts Avenue is evidence of the relationship of our country to today's world. Here are many of the embassies and chanceries of foreign countries—Australia, Great Britain, Turkey, Greece, Tunisia, Japan, Thailand, Brazil, Iran, Israel—and many others. These testify to their countries' diplomatic interest in the United States, and to the impossibility of isolation.

Here, in the District, Congress enacts federal laws; here are the agencies for implementing the law; here the Supreme Court reviews cases arising in lower courts from grievances of citizens or local or state governments. Here the visiting heads of state come to pay their respects to the President. Here inaugural parades take place. Here U.S. citizens see the symbols and feel the nation's heartbeat. It is a city where news is made, where drama unfolds.

WHAT IS IT LIKE TO LIVE IN THE DISTRICT?

Washington *is* an exciting place to visit. It is also exciting to live here.

To live here is much like living in any other U.S. city, except for one major difference. The District of Columbia resident has little opportunity to participate in the government. He elects no senators or representatives to Congress. Neither does he vote for his mayor nor for city council members. He has no voice in choosing those who make his laws.

Women in the United States were given the right to vote by the 19th Amendment, ratified in 1920—but neither men nor women received the right in the District. It was not until 1964, more than 40 years later, after the 23rd Amendment was ratified, that D. C. citizens chose electors for the District.

In 1968, D. C. voters elected their local school board members. Prior to that time, they were appointed by the federal District judges.

At present, then, the only governmental officials D. C. citizens have a voice in selecting are the President and Vice President of the United States and members of the local school board.

All laws for the District are enacted by Congress. The D. C. budget, which details plans for expending money raised largely by purely local taxes, is studied, debated and reported by Senate and House appropriations committees before approval by both Houses of Congress and submission to the President for his signature.

A District citizen may testify before either the local city council or before congressional committees. But his opinions have little weight. He votes for neither councilmen nor congressmen. His best chance of influence is to claim voting residence elsewhere. Or he can hope, through membership in a national organization whose members vote in the states, to exert pressure on men who govern the District.

In the world's most powerful democracy is enshrined the Declaration of Independence, on display for all to see. It proclaims that "... governments are instituted among men, deriving their just Powers from the Consent of the Governed."

U.S. citizens who live in the District know that these words do not apply to them.

FACTS AND FALLACIES ABOUT THE DISTRICT

Congressmen and private citizens give different reasons for not providing self-government or congressional representation to District citizens. What are these reasons, and are they valid?

Federal Responsibility for the Capital

Opponents of D. C. self-government say that Washington is a federal city; therefore, all United States citizens should have the responsibility for it.

The Constitution provides in Article I, Section 8, that among the powers of Congress is "to exercise exclusive legislation in all cases whatsoever over such District . . ."

[1] James Smithson in 1836

[the District of Columbia]. Congress would not relinquish its constitutional right to legislate for the District even if it should delegate certain purely local responsibilities to an elected city government or if the Constitution were amended to grant D. C. citizens representation in Congress.

James Madison, a delegate to the Constitutional Convention, in one of his essays written to explain this section of the Constitution, commented about the willingness of U.S. citizens to live in the District. He stated: ". . . a municipal legislature for purely local purposes, derived from their own suffrages, will of course be allowed them . . ." The implication is that Congress would "of course" delegate to D. C. citizens a voice in electing their local government.

Federal Fiscal Responsibility

Some opponents of D. C. self-government say the federal government provides so much money to run the city that it should take charge of D. C. local affairs. In our country neither franchise nor right to control local affairs is determined by economic status.

But there are misconceptions about who pays for operating the city of Washington. Many people believe federal revenues support the city to a much larger degree than they actually do.

To begin with, residents pay the same federal income taxes as citizens elsewhere. The average per capita income in the District is high—$4,123 (in 1967), higher than in any state in the union. Therefore, D. C. citizens make a high proportionate contribution to the federal treasury.

In addition, D. C. residents pay the same other taxes as citizens do elsewhere—local general sales, liquor, gasoline, tobacco, property, D. C. income taxes; and other special taxes like auto licenses, local taxes on telephone bills. There is taxation without representation both at local and federal levels.

However, many affluent citizens pay few local taxes. Elected federal officials and their staffs, military personnel stationed in the District, are exempt from local income taxes, for example.

Almost half of real property in the District is not on the tax rolls and not a source of local property tax revenue. Federal government buildings, federal monuments, museums, parks; embassies and chanceries of foreign countries; national headquarters of tax-exempt organizations are not assessed. But services offered these properties—lighting, streets, schools, water, sanitation, and police protection and services—are charged to the local budget.

Federal Contribution to the Nation's Capital

The federal government does provide a part of the city's total revenues—in 1967, the latest year for which figures are available, 29.8 per cent, including all matching or other grants.[2]

Thirteen state governments in 1967 received *more* than the percentage of their revenues from federal funds.

Alaska	**56.7%**	**New Mexico**	**31.7%**
Arkansas	**33.7%**	**Oklahoma**	**31.9%**
Kentucky	**32.1%**	**South Dakota**	**34.8%**
Mississippi	**31.5%**	**Tennessee**	**30.5%**
Montana	**32.9%**	**Utah**	**30.8%**
Nebraska	**33.8%**	**Wyoming**	**41.2%**
Nevada	**32.1%**		

[2] This figure includes, in addition to grants and matching funds, money for the city's operating expenses amounting to about 15 per cent of the city's general funds; 85 per cent comes from local taxes D. C. residents pay.

A number of other states—Alabama, Arizona, California, Colorado, Georgia, Hawaii, Missouri, North Dakota, Texas, Vermont, West Virginia—received in the same year more than 25 per cent of total state revenues from the federal government.

If the argument is that the District receives too large a proportion of its revenues from federal funds to have the right to elect city officials, then the same criterion could be applied in some states to the right to elect state legislators and governors.

Some people say if the District were allowed local self-government it would lose federal monies now appropriated for its general operating fund. The U.S. government should still assume the responsibility it has currently to supply these funds; the city would still provide the services to the nation's capital it now does and would still not have federal and federally related properties on its property tax rolls.

It is of interest to note that citizens of Tokyo elect their local officials and are represented in the central government. Tokyo is the world's largest city—11 million people—and capital of Japan, whose population is one half that of the United States. Yet Tokyo derives 60 per cent of its city revenues from the central government's coffers.

History of Local Government in the District

D. C. citizens are not, when asking for self-government and a chance to contribute to the solutions of their local problems, seeking something new or something they have not had before. The city of Washington, incorporated in 1802, at first had its mayor appointed but, after 1820, popularly elected. It had a 12-member elected council and an eight-man Board of Aldermen, elected after 1804, a form of local government that continued until 1871.

At first the District, then about 10 miles square, included areas not in the city of Washington. These areas had differing kinds of government. For example, the county and city of Alexandria, retroceded to Virginia in 1846, operated under Virginia laws even while it was part of the District. Georgetown, now a part of Washington, was incorporated in 1789 under Maryland laws and continued its popularly elected government long after it became a part of the District.

In 1871, Congress established a territorial government for the entire District, with one elected and one appointed local legislative body, an appointed governor and a nonvoting delegate to the House of Representatives. Three years later, pressure was brought to bear to change the D. C. government; Congress in 1874 abolished the territorial government and nonvoting delegate.

One reason for this congressional action was the excessive burden on local taxpayers for laying of sewer and water mains, improving the streets, planting of parks. The extensive public works program carried out the magnificent plans of L'Enfant and made Washington for generations to come one of the world's most beautiful capitals. The appointed governor, as result of the ambitious program, ran the city heavily into debt. Congress agreed to guarantee the debt and pay half of the D. C. budget (which it did for many years). It then dissolved the District government and took over running the city itself. It also promised to write a charter for a new D.C. government. To date, no such charter has passed both houses of Congress.

Another reason for the change was fear of Negroes, newly enfranchised after the Civil War, who then made up about a third of the city's population.

The temporary arrangement of 1874 was followed by an act in 1878 under which three appointed commissioners administered the D. C. government, a form continuing until President Johnson's reorganization of 1967. Since then, the District has had a more modern administration but not self-government. The present council and mayor are appointed and have limited powers.

Congress acts as a city council for the District. It is expensive and unwieldy for its 535 members who act as the local government. By and large, its responsibility is abdicated to the chairmen of four committees which hold hearings and consider D. C. bills. The time spent by 25 members of the House District and seven members of the Senate District committees (which consider local D. C. legislation) plus the time of the two appropriations committees (which consider the D. C. budget) add up to many expensive hours. Final action on all D. C. bills takes the time of all members of Congress and the President.

Congress, busy with all the difficult national and international issues, cannot give adequate attention to local D. C. affairs.

Should Congress by law delegate control over local affairs to D. C. citizens, surely its constitutional power to legislate is sufficient to protect the federal interest. The Supreme Court, in District of Columbia *v.* Thompson Company (1953), held that Congress could delegate its law-making authority to an elected local government, that "exclusive" in the constitutional provision means no state could interfere in the operation of the federal city.

One powerful opponent of D. C. self-government over the years has been the Metropolitan Washington Board of Trade. The Board of Trade is an organization composed of merchants and some affluent citizens, many of them nonresidents with voting rights in the suburbs. Although it has lobbied for more than 50 years against D. C. home rule, perhaps because it long ago worked out methods for dealing with Congress to promote its interests, it has consistently supported representation in Congress for D. C. citizens.

Incidence of Crime in the District

Opponents of D. C. self-government cite the District's high crime rate as a reason for denying self-government to its citizens.

Like most other large cities, the nation's capital has a high incidence of crime. Critics of its crime rate generate national publicity because they are talking about the nation's capital. The District has no champion of equal news value to defend its image. And people who thus defend congressional control of D. C. local affairs conveniently overlook an inconsistency: the crime rate got that way during federal control.

It is difficult to compare cities in respect to incidence of crime. Do high rates for robbery in one city, for example, mean more robberies occur there than in other cities? Or that proportionately more people report them? Or that the police are more diligent in investigating and reporting?

Perhaps a comparable gauge of the crime level among cities is incidence of murder. The 1967 Federal Bureau of Investigation (FBI) statistics for murder (including manslaughter) for Standard Metropolitan Statistical Areas (SMSAs)—which include central cities and surrounding environs—show that many had a higher incidence in proportion to estimated July 1966 population figures than the Washington area, including the SMSAs of New Orleans, Miami, Chicago, Detroit, Houston, Dallas, Atlanta, Baltimore and St. Louis.

John Fialka, staff writer for *The Washington Evening Star*, reported on May 18, 1968, that city officials, using FBI statistics for SMSAs, had worked out a comparison

NEIGHBORLY COFFEE BREAK is pleasant interruption to chores performed by two homeowners in the District of Columbia.

for total crimes for each 100,000 population in a number of large cities: Los Angeles, 4,117; New York, 3,833; San Francisco, 3,599; Baltimore, 3,567; Detroit, 3,443; New Orleans, 3,337; Washington, 2,839.

It is true that incidence of crime is high in large U.S. cities. It is equally true that the crime level is not much higher nor much lower in the District than in other comparable areas. The District crime rate is not a valid reason for denying self-government to its citizens.

The Resident's Choice

Some people say that District citizens know they will not have self-government or representation in Congress. They should be willing to sacrifice these rights for the advantage of residence in the nation's capital. If they are not, they should live elsewhere.

It is not logical to claim that Washington residents can live elsewhere if they do not wish to be disfranchised. If injustice exists, it should be righted; citizens should not be asked to move to avoid it.

Retrocession of the District to Maryland

A few people propose that self-government and representation in Congress can be provided for D. C. citizens by retrocession to Maryland of all but the federal area. Citizens could then vote for representatives and senators and could have the kinds of self-government provided for Maryland citizens.

First, the territory originally ceded by Maryland to the United States could not be returned without Maryland's consent, not likely to be given.

Second, constitutionality of retrocession is questionable. An area of about 30 square miles southwest of the Potomac River was retroceded to Virginia in 1846. The constitutionality of this act was not raised until 1875. The U.S. Supreme Court then, in allowing the retrocession to stand, did not address itself to the constitutional question, stating that too much time had elapsed and that Virginia had had *de facto* control of the area for nearly 30 years.

Third, the city has had an identity as the seat of the federal government. Serious problems of a jurisdictional nature might develop from having most of what is now the District under the control of a state government. Retrocession is generally not considered a valid or possible alternative for D. C. self-government and representation in Congress.

The Population of the District

The fact that the population of the District is predominantly black is a powerful, but not always stated, factor in congressional and other opposition to D. C. self-government and representation in Congress.

The Washington population is more than 60 per cent Negro. More than 90 per cent of the children in public schools are black. Many white families with children (as in other cities) have moved to the suburbs.

District of Columbia Mayor Walter E. Washington is black. He was appointed by President Johnson in 1967, with strong endorsement from all sectors of the citizenry. President Nixon reappointed him in 1969.

The United States has defended throughout the world the principle that people should govern themselves. *The Washington Evening Star*, on June 5, 1969, quoted Secretary of State William P. Rogers: "The South Vietnamese should have the right to decide their own future." He added: "Any government that represents the will of the people of South Vietnam is acceptable to the United States." It should not be necessary for people anywhere in our own country to demonstrate their capability to manage their local affairs, nor is it just to deny them the right to self-government and representation in Congress.

If it were necessary, District citizens could offer ample evidence of their abilities. The federal government and city services provide employment opportunities for qualified people, attracting many able Negroes to government service. An increasing number of private concerns are genuinely or ostensibly integrating their staffs, thus widening opportunity for professionally and technically trained blacks.

The District has a large number of private and denominational colleges and universities. According to the U.S. Office of Education, fall enrollments of degree-credit students in universities and colleges totaled about 65,000 in 22 institutions of higher learning in the District. However, until the fall of 1968, when the newly authorized Federal City College (four years) and the Washington Technical Institute (two years) opened their doors, there was no public institution of higher learning open to D. C. high school graduates except the small, unaccredited D. C. Teachers College.

Yet, despite the lack of adequate local opportunity for higher education, according to 1960 census data the median years of school completed by D. C. residents of 25 years or more was 11.7 years (U.S. average, 10.6). This median was equalled or exceeded in only nine of the 50 states.

The right to control their local affairs or to be represented in Congress is not awarded U.S. citizens on merit, level of education, capability, color or religion. Citizens nowhere else in the United States are required to meet such standards for a voice in electing their public officials. Why should such criteria be exacted for citizens of the District?

* * * * * * * * *

Washington is indeed a beautiful and rewarding place to visit, an exciting place in which to live. Symbols of U.S. democracy and power, and of the nation's history, are visible in many places and many forms. The U.S. citizen who lives here should not have to forego his right to representation in the Capitol and to a voice in his local affairs. It is impossible to understand such discrimination against any U.S. citizen, simply on the basis of where he lives.

Self-government for the District requires only legislation passed by both houses of Congress and signed by the President. Representation in Congress requires a constitutional amendment—passage of a proposed amendment by a two-thirds vote of both houses of Congress and ratification by three fourths of the states.

The only way the status of the D.C. citizen can be changed so that he can be fully enfranchised is for U.S. citizens elsewhere to insist to the congressmen and senators they elect that in the nation's capital U.S. citizens must be accorded the rights other citizens take for granted. D. C. citizens pay their full share of local and federal taxes, serve in the armed forces, must obey the laws and assume all the responsibilities of citizenship without enjoying all its rights.

There has been too long a delay in righting this long-time injustice. As long as it continues, there must be no complacency in the rest of the nation. There should be a public outcry.

Publ. No. 355 25¢ a copy 10 copies for $1.75 Quantity rates on request
League of Women Voters of the United States •
[redacted]

League of Women Voters
of the United States

Memorandum

[redacted]

August 19, 1969

This is going on Duplicate
Presidents Mailing and
State Board Supplement

TO: Local and State League Presidents
FROM: Mrs. Bruce B. Benson, President
RE: Action on Representation in Congress for the District of Columbia

The year of the 50th Anniversary celebration of the League is also the 50th anniversary of women's suffrage. For almost as many years, League members have worked to obtain for the disfranchised D.C. citizens their right to be represented. In 1961, D.C. citizens were granted a voice in selection of President and Vice-President, but representation in Congress is still denied.

The national Board would like to have your reaction as soon as possible, to a plan involving the members of the League. We propose a concerted, short-term action effort to dramatize the political condition of U.S. citizens in Washington, where we will be holding our 50th Anniversary Convention. Do you think your League membership would like to undertake this effort as described in this Memo?

It is the right of citizens, granted in the First Amendment of the U.S. Constitution, to petition the government for a redress of grievances. Therefore the national Board proposes a nation-wide drive to gain signatures on a petition asking for congressional representation for D.C. citizens.

The gathering of signatures would be limited to a two-day period within the week of April 15 to 22, following the federal income tax filing deadline. (These dates would highlight the "taxation without representation" status of D.C. residents.)

We envision a minimum goal of 5 or ten signatures per League member (we think 10 would be more effective.) The signed petitions would be brought to Convention by each local League. In each state a delegate from the local League which had attained the highest number of signatures per member would give the total number of signatures gathered in her state and would receive an emblem to wear as a symbol of her own local League's performance.

A new FACTS & ISSUES on the District will reach Leagues by September; this can be used to distribute to the members, in the community, to schools and to news media. In the August-September NATIONAL VOTER will be a brief story and photo on the D.C. League's self-help summer project. Members of the D.C. League all during the summer are distributing at the Washington Monument a sheet about Washington and the plight of its citizens. They work in shifts to get their one-page story into the hands of all visitors to the Monument.

In January, a kit of instructions, a sample petition, and ideas about how to get public attention would come from the national office. This would be a "citizens' petition," and would not be governed by rules about format or timing such as are required in order to get questions on a ballot.

Therefore it can be simply worded and need not be uniform (except we would all use the same language on all petitions.) The national Board would explore and take advantage of every opportunity for wide national media coverage.

We think a two-day effort, a Time for Action on our D.C. position, in every local League, with a goal of at least 1,500,000 signatures (ten per member), would put the spotlight on disfranchisement of D.C. citizens, create greater public awareness, influence some members of Congress, indicate League commitment to its goal, and be of help in the eventual necessary ratification by states of the required constitutional amendment. To get at least one and one-half million signatures in two days would be impressive and newsworthy. It seems a natural for the League -- especially on our 50th anniversary!

WE WOULD LIKE YOUR COMMENTS AND IDEAS. We are keeping in mind and want you to do so, too, the priority of our 50th Anniversary Drive for $11 million. Those local Leagues who have members still involved in the drive by April (this number will not be large and will affect only a few local Leagues) should not plan to use those particular members to work in the D.C. petition. For the most part, however, all local Leagues will be finished with this work on the Drive by April.

If, possible, let us know what you think in time for the September national Board meeting which begins September 14 and ends on September 19. If not possible by then, let us know as soon as you can.

Committee Section
Representative Government

National Board Report

September 1969

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

REPRESENTATIVE GOVERNMENT

APPORTIONMENT — Support of apportionment of both houses of state legislatures substantially on population.

DISTRICT OF COLUMBIA — Support of self-government and representation in Congress for citizens of the District of Columbia.

TAX RATES AND TREATY MAKING

. Opposition to constitutional limitations on tax rates.

. Opposition to constitutional changes that would limit the existing powers of the Executive and Congress over foreign relations.

Apportionment

Perhaps in no other area in recent times has the action of the League of Women Voters been the major factor in determination of an issue.

The work of state Leagues to prevent passage in their state legislatures of resolutions for a constitutional convention to propose a constitutional amendment allowing apportionment of one house of state legislatures on factors other than population has made the news and enhanced the image of the League as a persistent, effective force. State League action for rescission of resolutions already passed, although not completely successful to date, has been important in getting passage of rescinding resolutions in one house in six states: Texas, North Carolina, Illinois in 1969; Kansas in 1968; Washington in 1967; Maryland (both in 1967 and 1969).

Quick and sophisticated reporting by state Leagues to the national office of things about to happen builds the reputation of the national League (and has elicited comment in magazines, newspapers, and publications of other organizations) as the source of news about what is likely to happen, where the action is, and what the status of petitions and rescissions is.

The Future of Resolutions for a Convention. Some observers believe that with the death of Senator Dirksen, the principal proponent of a constitutional amendment on legislative apportionment, the threat of a convention is over. However, it is quite clear that swift and unexpected attempts may be made to get the 34th state legislature to petition for a convention and that the thrust may be made on the basis of providing a memorial to Senator Dirksen in a "Dirksen Apportionment Amendment."

Such a maneuver would pose exceptional difficulties. Only one more state legislature is needed for the 34 (two thirds) required by the Constitution for calling a convention. The added impetus of an emotional kind of argument for passage in a state legislature as a memorial to Senator Dirksen might tip the scales and furthermore might take place quickly, without much time for Leagues to mobilize. Careful watching and reporting is of utmost importance.

This Committee Section available on direct order from national office for 15¢

The Status, to Date. Because action has been at the state level this year, Memos have gone to state Leagues. Therefore, unless local League action in a particular state was called for by state League boards, local Leagues have not had a blow-by-blow account.

To share with all of you the picture over the nation of the status of petitions for a convention and of moves to rescind, the following chart is provided.

APPORTIONMENT OF STATE LEGISLATURES

State *	Date of Petition	Moves to Rescind and Other Information
Alabama	1965	
Alaska		(1967, petition passed House, defeated in Senate by one vote)
Arizona	1965	
Arkansas	1965	(rescission introdueed and defeated in 1969)
California		
Colorado	1967	(rescission introduced and defeated in 1968)
Connecticut		(1967, petitioned Congress not to call a convention)
Delaware		(1967, petition passed Senate; 1969, petition passed House)
Florida	1965	(rescission attempts made in 1967 and 1969; failed)
Georgia	1965	(rescission resolution now before interim committee)
Hawaii		
Idaho	1965	
Illinois	1967	(rescission passed House in 1969, bill stalled in Senate committee)
Indiana	1967	
Iowa	1969	
Kansas	1965	(rescission passed in one house in 1968)
Kentucky	1965	
Louisiana	1965	(rescission introduced in 1969, failed)
Maine		
Maryland	1965	(rescission passed Senate in 1967 and 1969)
Massachusetts		
Michigan		
Minnesota	1965	(rescission efforts failed in 1969)
Mississippi	1965	
Missouri	1965	(rescission efforts failed in 1969)
Montana	1965	
Nebraska	1965	(rescission resolution in unicameral had enough co-sponsors to pass it in 1969; withdrawals occurred; defeated on vote)
Nevada	1965	
New Hampshire	1965	
New Jersey		
New Mexico	1966	
New York		
North Carolina	1965	(rescission passed House in 1969; transmitted to Congress)
North Dakota	1967	
Ohio		(on third attempt, state constitutional revision to apportion substantially on population passed by a vote of the people in 1967)
Oklahoma	1965	(August 1969 -- state attorney general ruled petition invalid on grounds that petition is not a law and reflects only the consensus of the legislature petitioning)
Oregon		
Pennsylvania		(efforts made to pass resolution in 1967)
Rhode Island		
South Carolina	1965	
South Dakota	1965	
Tennessee	1966	(rescission efforts in 1967 and 1969 failed)
Texas	1965	(rescission passed Senate in 1969)
Utah	1965	(suit begun (1969) challenging validity of resolution on grounds that legislature was not legally apportioned at time of passage; chief judge of federal district court ordered return of Utah resolution pending final outcome of suit)
Vermont		
Virginia	1965	
** Washington	1963	
West Virginia		
Wisconsin		(petition passed Senate in 1967; introduced in both houses in 1969; legislature comes back in October)
** Wyoming	1963	

* States underlined are those which have passed a petition memorializing Congress to call a constitutional convention. In only these states, of course, are rescission efforts possible.

** Several states in 1963 passed resolutions for a convention to propose an amendment that would (1) remove apportionment from jurisdiction of federal courts; (2) allow apportionment of both legislative houses on bases other than population. Only Washington and Wyoming did not later also pass the petition for an amendment allowing apportionment of one legislative house on factors other than population.

Sometimes local Leagues in close contact with their state legislators may hear about efforts either to pass or rescind resolutions. To protect our position, both members and League boards must observe and report quickly. This year is crucial. By the time most legislatures meet again, the urgency may have eased.

District of Columbia

In Congress

Recent congressional action on District of Columbia matters relate to both aspects of the League's D.C. item -- representation in Congress for the citizens of the District and self-government.

On October 1, the Senate passed two bills containing proposals made by President Nixon in his April 28 message to Congress on the District of Columbia -- one authorizing a nonvoting Representative in the House for the District of Columbia and the other establishing a Charter Commission for the District. (See May 1969 National Board Report, page 75 for President's proposals.)

Representation in the House of Representatives

S. 2163, introduced by Senator Prouty (R., Vt.) May 13 provides that "the Delegate shall have a seat in the House of Representatives, with the right of debate, but not voting. He shall be at least 25 years of age at the time of his election, shall be a qualified elector in the District, shall have resided in the District for the 3-year period immediately preceding the date of his election, and shall, if elected, hold no other paid public office."

"The Delegate shall be elected by the people of the District of Columbia in a general election," and candidates shall be nominated in a May primary or in a party run-off election (if no candidate receives 40 percent of the vote), or directly by petition. Primary candidates shall be nominated by petition. A similar bill has been introduced in the House by Congressman Ancher Nelsen (R., Minn.)

Passage of a nonvoting delegate bill by both houses of Congress would be far short of the immediate goal of the League of Women Voters of the United States--full voting representation in the House of Representatives in proportion to population and representation in the Senate. (See following section on Action on Representation in Congress for the District of Columbia.)

Self-government in the District of Columbia

S. 2164, also introduced by Senator Prouty on May 13, provides for the creation of a 13-member, partially elected home rule study commission for the District of Columbia to serve at the same time as a local investigative commission (a local Hoover Commission) to study in detail the operations of the District of Columbia government. More specifically, it is to establish a Commission on Government to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of public business in the departments, agencies, and independent instrumentalities of the District government.

Our statement filed on June 16 with the Senate Committee on the District of Columbia said "The League of Women Voters hopes this committee will report a bill that will provide, without further delay, a strong self-government... This is not to say that the League will fail to support a measure that promises but delays self-government, if such a bill is the only one certain of passage in both houses of Congress."

NEW PUBLICATION -- The Nation's Capital: "A Nice Place to Visit -- But."
A Facts & Issues on the District of Columbia. 25¢ each, 10 for $1.75.

ACTION ON REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

We're Going to Act! On August 19, Mrs. Benson sent a Memo to local and state Leagues. It asked them to let the national office know, as soon as possible, what Leagues thought of a proposal, as part of the 50th Anniversary, to undertake a national signature gathering drive, petitioning Congress to propose a constitutional amendment for providing full representation in Congress for citizens of the District of Columbia.

The response so far has been most enthusiastically in favor.

"It does seem a natural for the League's 50th Anniversary, particularly since 1970 is also the 50th Anniversary of woman suffrage and the 100th Anniversary of Negro suffrage."

"Absolutely necessary and about time!!! This is what 50 years are all about!"

". . . a project for all members to become involved which would be short term and not terribly complicated."

"We will feel that we are exercising our political muscle a little. I'm afraid it grows a little flabby from disuse."

These few quotes from replies give you an indication of the kind of enthusiasm.

The national Board therefore plans to go forward with the petition idea, much as outlined in the August 19 letter to Leagues.

We plan with Timing in Mind

1) Beginning now, plan distribution of the new Facts & Issues on the District (you already have a copy) to members, community, schools, and news media. Begin now to get dates for short talks to other organizations in your community.

2) Mention to members the upcoming signature gathering campaign. Put their ideas for publicity and ways to get signatures into the pot for later planning. Program-making meetings might be one occasion, when you mention recent and upcoming action on current national program.

3) In January, the kit of instructions and materials will arrive. Planning can then move into high gear. The kit will include a letter from the District League to all Leagues, a sample editorial, spots for use on radio and TV, a sample short speech. There will also be Tips for Signature Gathering, a list of organizations that have an interest in representation in Congress for D.C. citizens, suggestions for getting petitions and signature counts in, especially for those Leagues who will not be sending delegates to the Convention in Washington.

In addition, each League will receive in January, free of charge, 100 or 500 flyers (depending on size of League) to give away in the community near or at

the time of signature gathering. These flyers will be about 6" by 10", with two folds, useful for mailing or putting into coat pockets or purses. They will be simply written, with space on the back fold for Leagues to use, if they wish, to rubber stamp the address and telephone number of the League (or any message you want) below a printed admonition: "For further information, contact the League of Women Voters."

There will be additional flyers available upon order for a minimal price for lots of 100 or 500 or multiples.

4) The January or February NATIONAL VOTER will contain one page, with explanation on one side, petition form on the other, with spaces for signatures and addresses of those signing the petition and for signature and address of the person carrying the petition. Thus every member will have in her VOTER one petition form. For additional forms, local Leagues may duplicate the VOTER page or, using the identical petition language, type or mimeograph forms of the same kind.

5) With these tools and your imagination, planning will continue and the drive will be April 15 to 22.

We Had Some Questions and Some Suggestions. In the letters, telegrams, and telephone calls that came in to the national office, there were suggestions (which those of you who made them will see made a difference) and some questions. The questions were something like these:

"Are we restricted to a two-day campaign?"

No. The time can be adjusted to suit your local needs. While the dates should fall close to the income tax filing deadline and the drive not take longer than one week, if some local problem makes these dates unsuitable or a two-day campaign not feasible, we suggest beginning earlier rather than later than the April 15-22 period (selected as period near income tax filing, to use "taxation without representation" theme) unless you can develop a very good plan for gathering the petitions at the close of the drive.

"May we get signatures from young people?"

The national Board decided to word the petition so that high school and college students under voting age could be included. Some Leagues made the suggestion that involvement of young people in both signing and gathering signatures would be good.

This is not a petition requiring specific action, like putting an issue on the ballot, for example, through the initiative process. The right to petition is guaranteed in the First Amendment to the U.S. Constitution: "Congress shall make no law. . . abridging. . . the right of people peaceably to assemble and to petition the Government for a redress of grievances."

We are simply petitioning for the appropriate redress of a long-standing grievance -- the singling out of D.C. citizens for denial of a right enjoyed by all other U.S. citizens, representation in the body that makes its laws.

Therefore the Board decided that, for a long-range good, to interest future as well as present voters would be very much worthwhile.

Young people may also be used to gather signatures.

"We have some inactive members. Can we really expect every member to get 10 signatures?"

Of course there will be some members -- hopefully in such a short time and for so simple a type of action very few -- who will not participate. There will be other members who will get 20, 25, even over 100 signatures. Even if a member has only one or two signatures on her petition, she should be encouraged to turn it in. Partially filled out petitions are important. Every person who signs is entitled to be counted.

We hope we can make a national goal of one and a half million signatures, roughly ten times our membership.

We are also making plans to contact national organizations which support representation in Congress for D.C. citizens. Members of these organizations can be recruited to help in your signature gathering campaign.

The petition campaign is a way for every member to participate in an issue that affects us all. If she is not able to man one of the stations you may set up for a specified time during a particular two days (or whatever period of time you choose), she can take her petition to her bridge club or to neighbors and friends at her own convenience.

"There is neither interest nor awareness of the District citizen's plight in our community. Can we therefore be very effective?"

Until there is interest and awareness in every community, League efforts will not by themselves be very effective. The petition campaign is a good opportunity to make the injustice more visible. Even if the number of signatures you gather does not measure up to your aim, hopefully you will have made your community more aware of the lack of both self-government and representation in Congress for D.C. citizens.

"Have we forgotten our goal of self-government for the District by including only representation in Congress in our petition?"

Definitely not. The national Board decided to concentrate now on the one goal for these reasons:

Representation in Congress requires not only a two-thirds vote in both houses of Congress but also ratification by three fourths of the state legislatures. In the year of the 50th Anniversary Convention, the sincerity of League commitment, by the gathering in a short period of a large number of signatures, would be demonstrated not only to working for congressional action but also to working later in every state for legislative ratification.

In the realm of the politically feasible and the possible in the 91st Congress, proposal of the amendment seems more likely than enactment of legislation for self-government. The President has proposed a charter study commission for D.C. self-government, which must report its findings and make recommendations. This process, including the commission report, introduction of legislation to implement it, committee hearings in both houses, committee reporting of bills, final House and Senate debate (if bills should reach the floor at all) and voting on the floor, will take time.

Many Leagues will be engaged from now until April in local elections. Leagues might want to call public attention in a variety of ways to the fact that "we in our city can go to vote today for _____(offices). Our fellow Americans in the District of Columbia are denied such an opportunity. They elect no city officials, no representatives in Congress. They may use their vote once in four years for Presidential electors and every two years for school board members. These are their only two opportunities to be heard through the ballot box."

We Capitalize on the Year of the Voter. Elsewhere in this Board Report, you will read about 1970 as the Year of the Voter -- the 50th anniversary of the League of Women Voters, the 50th anniversary of woman suffrage, and the 100th anniversary of Negro suffrage.

Plans for national publicity for our petition campaign will be a part of the focus of the Year of the Voter.

We Decide on the Language of the Petition. So that you may know now what the language of the petition will be, we end this section with it, with the caution that no circulation of it will begin until the time (within the limits specified earlier in this section) all of us will be working together to get signatures. Part of the impact we can make is to say that within one short week, League members all over the country have collected this very large number of signatures. The figure is not so impressive if we extend the period for an indefinite or an imprecise time, nor do we have the opportunity for news media coverage if we dilute the time period.

TO THE CONGRESS OF THE UNITED STATES

We citizens of the United States, believing that all citizens should have representatives in the body which makes their laws, petition the Congress to propose a constitutional amendment to provide full voting representation in Congress for the Citizens of the District of Columbia.

Tax Rates and Treaty Making

In Pennsylvania the so-called "Liberty Amendment" was introduced into the House on June 25, 1969, with 41 sponsors. A state Time for Action based on the national position was sent out to urge that this Resolution not be reported from committee.

Recently a concurrent resolution was introduced into the state senate with four sponsors. The state League then sent a limited Time for Action to the Leagues in the senatorial districts of the sponsoring senators and the state League wrote to the Constitutional Changes and Federal Relations Committee of the state senate to which the resolution had been referred. (This proposal has been introduced almost every year in Pennsylvania and has never been reported out of committee.) The Pennsylvania League, as usual, will continue to "watch dog" it and will request further action if it should move.

In addition to Pennsylvania, the "Liberty Amendment" also appeared this year in state legislatures in Arizona, Florida, Maine, New Hampshire, Indiana, and California. Some of these legislatures have adjourned.

For background on this national program item, please refer to pages 28-29 and viii and ix in the Appendix of Study and Action, 75 cents from the national office.

* * * * * *

memorandum

The League of Women Voters of the United States

January 1970

D.C. PETITION DRIVE KIT

WHAT is the D.C. Petition Drive?

A nationwide drive for the League to get a million and a half signatures within the week of April 15-22 in support of representation in Congress for the District of Columbia. Because it will be short, simple, and fun, the petition drive is an excellent project to involve both League members and the public in the Year of the Voter and to demonstrate through action our commitment to attaining the franchise for all citizens.

WHY are we undertaking this drive?

For nearly 50 years the League of Women Voters has worked for representation and suffrage for the District of Columbia citizens. With the ratification of the Twenty-third Amendment to the U.S. Constitution in 1961, one of the League goals was accomplished: D.C. citizens, beginning with the 1964 election, gained a voice in choosing the President and Vice President of the United States. But D.C. citizens still lack the basic rights of self-government and representation in Congress.

At the present time, in light of the political climate, achieving D.C. representation in Congress seem more possible than D.C. self government. Therefore, after asking local and state League advice, the national board decided as a part of the League's 50th Anniversary celebration in the Year of the Voter to undertake a citizens' petition drive to:

1) highlight in communities all over the country that D.C. citizens are not represented in Congress -- an educational goal;

2) demonstrate to Congressmen that citizens do want D.C. representation in Congress;

3) provide League members a chance to act on their long-standing position.

WHEN will the drive take place?

During the week of April 15-22, immediately after the deadline for payment of income taxes. This timing will help to highlight the District's plight of "taxation without representation." It will also occur just before the League's national Convention in Washington, D.C., when 2000 League members will personally bring the petitions to Capitol Hill on May 6th.

HOW can Leagues participate most effectively?

Start right now to plan your own local petition drive, using this kit as a guide.

The kit includes:

1. Ten steps to a successful petition campaign -- the basic guide for planning

2. Suggested schedule for the drive

3. Sample petition form and sample flyer

4. Public relations materials

   - Working with the media
   - Suggested editorial material
   - Sample speech material
   - Sample press release

5. Questions and answers on representation for the District of Columbia in Congress

6. List of cooperating national organizations

7. Letter from the District of Columbia League

8. Order blanks for:

   - Petition forms, flyers, F&I's (from the LWVUS)
   - Bumper stickers -- D.C. Last Colony and letter labels (from the LWVDC)

Free flyers will be sent to each local League under separate cover:

- 100 -- flyers to Leagues with membership under 100

- 250 -- flyers to Leagues with 100-300 members

- 500 -- flyers to Leagues with more than 300 members

(The above distribution is based on 3/31/69 membership figures.)

Order additional flyers on the enclosed blank.

* * * * *

A SUCCESSFUL PETITION DRIVE can be a most rewarding experience for everyone involved -- and can also provide a big step toward attaining representation in Congress for the District of Columbia. The more signatures we get, the more dramatic will be the impact on the Congress. Who knows -- maybe we can even make it two million signatures! So start planning now, get those signatures, and have fun!

League of Women Voters of the U.S.

[redacted]

January 1970

TEN STEPS TO A SUCCESSFUL PETITION DRIVE

1. Board Planning
2. Organizing the Petition Committee
3. Enlisting support for the drive
4. Arranging for sites
5. Recruiting workers
6. Detailed planning for THE DAYS
7. The briefing session
8. Instructions for workers on how to get signatures
9. Collecting and counting petitions
10. Delivering the petitions to Washington

* * *

1. Board Planning

A number of overall decisions must be made by your local League board before detailed planning can go forward:

a. What kind of a drive is best for your League and your community to reach the goal of ten signatures per League member -- passing petitions door-to-door, at meetings, or at selected sites like banks and shopping centers?

b. What exact time period -- one day, two days, or a week -- would be best for your petition drive?

c. Who will head up the drive -- and how large a committee should she have?

d. How should the local League membership be informed about the drive and its goals -- through the local League Bulletin, through brief discussions at units?

e. What contacts should be made outside the League to enlist support for the drive -- with media, other organizations, young people?

2. Organizing the Petition Committee

The committee chairman is the key to a successful petition drive. She must plan carefully, enlist widespread support, and follow up on assignments to be sure all plans are carried out. The local League Public Relations chairman should also play a vital role on the committee, as good public relations is essential to the drive.

a. Recruiting committee members -- by phone and at units -- is the chairman's first priority. As many League members as possible should be involved at an early stage in the planning; this will assure their widespread commitment when the time comes to gather signatures.

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b. Planning for the drive should be done as early as possible by the whole committee:

What needs to be done? (See 3-7 below.)
When should it be done? (Use the suggested general schedule for the drive as an outline for your own detailed planning.)
Who is going to do what? (Assign some specific job to each committee member.)

c. Committee meetings should probably be held once a week or at least once every two weeks to review plans, check on progress, etc.

3. Enlisting support for the drive

The committee will want to be sure to contact a variety of different groups of people:

a. Whether your drive is door-to-door or conducted at central sites, League members are your best prospects to support the drive and circulate petitions. The February-March issue of THE NATIONAL VOTER will carry the petition form and an article about the drive. This direct communication with all members, plus brief discussions at unit meetings, should help generate League member interest. Use every opportunity to remind members to save this petition form and to get signatures. Stress that every signature counts, that all should be returned.

In every possible way, highlight the short-term nature of the drive, importance of every member participation, and need to return all petitions, even those with only 1 or 2 signatures.

Of course, not every member will collect 10 signatures, but some members, even those who may not volunteer for specific assignments during the drive, may be able to collect more than 10. Make extra petition sheets easily available. Mimeograph or duplicate the petition form in the VOTER; run it in your local Bulletin (helpful, too, for those who lose their national VOTER sheet); order extra copies of the single VOTER sheet from the national office: $1.25 for 50 copies,$2.00 for 100, $9.00 for 500.

b. Local media should be contacted immediately. Your local League Public Relations chairman should be in charge of media contacts and should be given the public relations materials in this kit (all on yellow paper).

c. Other organizations -- both national and local -- should be contacted early for support in the petition drive. Start with the enclosed list of national organizations that have already offered active support and then move on to others -- particularly those whose local chapters have worked with your League before. Ask them to alert their members to the upcoming short drive and perhaps also to help by enlisting signature gatherers.

You may wish to offer a League speaker (sample speech is included in public relations materials) to talk briefly to meetings of service clubs, PTA's, church groups, and civic clubs. Such meetings also provide a good place to distribute petitions, flyers or Facts and Issues. If an organization seems particularly cooperative, you might suggest that they send a representative to your planning meetings.

d. Young people can be an invaluable asset in a petition drive. High school and college students are good prospective signature gatherers. Don't forget the Girl Scouts and Boy Scouts or children of League members and their friends.

4. Arranging for sites

Unless your League has decided on a door-to-door petition drive, you will need to arrange for a number of strategic sites where volunteers can collect signatures.

a. Stores and shopping centers provide good locations although some owners quite understandably may not wish to have petitions passed on their property. Try well in advance to get permission for such sites; if you anticipate a possible refusal, you may wish to enlist the support of influential community leaders to help you gain the ear of the site owner. It may also help to involve the site owner in the planning by asking his advice on ways of publicizing the drive, the best spots for workers, etc.

b. Busy street corners often provide good sites to pass petitions. Check early with your town or city government to see what the regulations are. Do you need a permit to gather signatures on public property? Are you allowed to set up signs or a table?

c. Any large gathering of people -- for meetings, sport events, or concerts, etc. -- should prove a good source of signatures. It is usually best to collect signatures at the entrance before and/or after the event.

5. Recruiting workers

Start lining up workers well ahead of time by phone and at unit meetings. A "yes" reply is far more likely when the drive is two months away than when it is next week. Take a few minutes of League unit time not only well in advance of the petition drive but also as your plans progress. Talk briefly about the drive pointing out that it will be short, simple, and fun -- an ideal project for the League's 50th birthday. Pass around a sign-up sheet with space for the names and phone numbers of those who would like to help collect signatures.

Use a telephone squad to call all League members who are not at units and have not volunteered. Suggest that callers use a positive approach like: "I'm Mary Jones, a fellow member of the League. We're going to be working, nationwide, to get signatures on a petition for reprsentation in Congress for citiznes of the District of Columbia, a long-standing League goal. Perhaps you noticed the special petition sheet in the February NATIONAL VOTER (and/or in the local Bulletin). Would you be willing to give two or three hours of time during _____ (the days of your local drive) to work with another person in a specified place to get signatures?" Even a person with a job may be able to volunteer a few hours in the evening or on the weekend.

If the League member agrees to help, the caller should carefully record the name, the phone number and any preference expressed as to time or place for gathering signatures. The caller should also tell the volunteer about the briefing meeting, giving date, time, and place if known.

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If the League member does not wish to cover a site, then the caller might say: "You did receive a copy of the petition in your VOTER. Will you get at least 10 signatures in your neighborhood or among your friends?" Explain how the petiton forms will be collected and the necessity of returning even incomplete forms. If the Leaguer has lost her petition form or if she thinks she can get more than 10 signatures, arrange for her to get extra forms.

All Leaguers contacted should be asked for suggestions of non-Leaguers or young people who might be recruited to help. Other cooperating organizations may also be willing to provide volunteers to man sites or at least to circulate petitions among their friends.

6. Detailed planning for THE DAYS

a. Match up sites and workers. Rank your sites as to potential for signatures and schedule workers first at the best sites. It is usually best to use pairs of people, in two or three hour shifts. Do your best to accommodate people who have expressed a preference as to time or place and then try to fill in the gaps with workers whose schedules are more flexible.

b. Make out assignment sheets (or cards) to give each worker, listing the name and the time and place he or she is to gather signatures. You may wish to hand these out at the briefing meeting or, alternatively, to send them out ahead of time along with a reminder of the briefing meeting. You will also need to keep your own list of all workers, phone numbers, and assignments.

c. Check your supplies. Do you have enough petitions, flyers, etc.? Have you inserted a local address and/or phone number on them. What other equipment will you need -- card tables, clipboards, loads of cheap ball-point pens, simple signs that can be read at a distance, colorful identification badges for workers?

d. Decide on a central location for petitions to be turned in and equipment stored. Establish an absolutely firm deadline for turning them in -- April 23 at the latest. You will also need to arrange for an emergency phone number where workers can get information at any time during the drive or request more supplies. Ideally, the petition supplies and emergency phone should all be at the same place.

e. Work out a careful plan for delivering and picking up supplies. If your petition drive is running for several days, arrange, if possible, to collect all signed petitions at the end of each day to avoid the risk of having any petitions mislaid.

f. Plan for a briefing meeting approximately one week before the drive (see 7 below), and coordinate all plans with your Public Relations Chairman who will probably want pictures of the briefing session, the first petition signers, etc. to help publicize the drive. Even if your petition drive is door-to-door you will probably want to plan a briefing on the first day of the drive to generate enthusiasm and hand out supplies.

7. The briefing session

Most people have never tried to gather signatures on a petition, and the prospect, though exciting, may also seem somewhat frightening. The briefing meeting should be used to build confidence, to discuss goals and techniques,

and to answer questions. All workers should be invited, including high school and college students, volunteers from other organizations, and League members. The setting for the briefing should be informal. It may be necessary to hold two meetings -- morning and evening or afternoon and evening -- to get all the workers there. Providing coffee or a coke helps to create a friendly atmosphere.

a. Hand out assignments and instructions for gathering signatures (if not sent before). (See 8 below.)

b. Talk about the purpose of the drive to gain representation in Congress for the District of Columbia and its relevance in 1970, the Year of the Voter, and the 50th Anniversary of the League. Emphasize the excitement of this nationwide effort to gather 1½ million signatures, and the importance of your community's meeting its goal of _____ signatures. (This goal should be <u>at least</u> ten times the membership of your local League.)

c. Talk about the challenge and opportunity this drive presents to meet and talk to all kinds of people, to discover whether or not you are capable of being pleasant when rebuffed as well as when successful, to have a part in making visible the situation of D.C. citizens.

d. Discuss techniques for getting signatures (see 8 below) and give the workers a chance to try out different approaches to prospective signers. You might start them off by suggesting a sample beginning like: "We are gathering signatures all over the United States on a citizens' petition asking Congress to pass a constitutional amendment to grant citizens of Washington, D.C., the right to be represented in Congress. Would you sign this petition?"

e. Hand out materials (petitions, flyers, <u>F & I's</u>, Questions and Answers) so that workers will have a chance to examine them <u>before</u> they start collecting signatures.

8. <u>Instructions for workers on getting signatures</u>

a. Be sure to get to your assignment on time. If you can't make it at the last minute, phone so that a substitute can be provided.

b. Bring supplies that are not already at the site and in case they are needed. Nothing is more embarrassing than to have a willing signer and no pen!

c. Where a card-table set up is possible, it is usually best to have one person at the table and one "barking." Approaching people as they walk near the table is also a good technique to attract those who might otherwise avoid the table because they don't know about the issue and don't care to appear uninformed.

If you are on foot, with no sit-down arrangement possible, you should have a clipboard so that the signer has a firm base on which to write. Help the signer, who may not have even one hand free. Carry a supply of petitions, pens, and hopefully flyers. A big pocketbook or a shopping bag is a help.

d. <u>Don't argue with people you approach</u>. Be patient about answering questions. Part of the purpose of the campaign is to create interest and to educate. But don't spend time on those who say, "I never sign

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petitions," "I'm not interested," "I'm against representation in Congress for the District." Say, "Thank you," and offer a flyer with "Perhaps you would like to read this," if you think the offer is appropriate.

Remember that the next person contacted after a refusal deserves the same pleasant approach. Answer questions to the best of your ability; if you can't answer, promise to get him the answer if he will give you his name and telephone number. If he appears hesitant but not negative, offer him a flyer to read on the site to help him make up his mind.

If someone says that he cannot sign because of the Hatch Act, reply that it does not prohibit his signing this, which is a citizens' petition -- not a nominating petition.

e. Signatures must be in the handwriting of the signer and in ink. Addresses of signers should appear in the spaces provided, written by either the signer or worker. Signers need not be registered voters, but avoid asking for signatures of persons obviously under 16 years of age.

All workers should not sign their own forms as petitioners, since no one can witness his own signature. But don't neglect to sign a petition carried by someone else. Remember, every signature counts.

f. When your shift is completed, sign as the official witness, the petitions you have been carrying and turn them in, even those not completely filled. Under no circumstances leave signed petitions in an unattended place, even for a few minutes. If the relief does not show up, call the emergency telephone number listed below for instructions about what to do.

g. If, at the end of your shift, you feel you could get some more signatures in your neighborhood, take home an extra petition form. But don't forget to turn it in at the end of the drive.

h. In case of emergency, questions, need for more supplies, etc. phone this number: _____

i. Have fun, and good luck!

9. Collecting and counting petitions

a. The day after the close of the drive, ask the original telephone committee to call those who have not yet turned in their petitions about where to take them or how the Petition Committee may get them. Check off your lists those turning in petitions; then you need call only those members who said originally they would fill their own petition forms but have not turned them in.

b. Count all the signatures collected and report the total number to your State Board ON or BEFORE FRIDAY, APRIL 24th. This is most important since your State Board must send the total state figure to the national office almost immediately to enable us to compile a total nationwide figure before the League's National Convention. DO NOT SEND THE PETITIONS TO YOUR STATE BOARD, JUST THE NUMBER OF SIGNATURES.

c. Be sure to thank everyone who worked on the drive, including property owners who provided sites.

d. Let your Public Relations chairman know as soon as you have counted all the signatures. She will certainly want to publicize the figures and may want a photograph as well.

10. Delivering the petitions to Washington

a. There are two alternative ways you can get the petitions to Washington:

1) Your local delegates to the National Convention can bring them when they come to Convention, or

2) You can mail the petitions to: D.C. Petition, Box 11001, Washington, D.C. 20008

Do not send petitions to the national office.

b. Whether you mail or bring the petitions, they should be firmly tied together, with the number of signatures in each bundle clearly marked on a separate sheet of paper on top. Also list your state, city or town, and, if possible, the congressional district in which the signatures were gathered.

c. Be sure your Convention delegates know how many signatures were collected in your town, as they will want to let your Congressman know when they visit him during Convention.

d. Encourage League members and others to follow up the petition drive with letters to their Congressmen reinforcing the message of the petitions that there is citizen interest throughout the United States in congressional representation for the District of Columbia.

League of Women Voters of the U.S.

[redacted]

January 1970

Suggested Schedule for the D.C. Petition Drive

February

Mrs. Benson announces the drive - February 3

- Local board discusses drive, appoints chairman
- Chairman recruits committee
- Public Relations Chairman begins contacting media
- Committee begins recruiting workers, planning for unit discussions, contacting other organizations, etc.

March

National board sends memo to all local Leagues with latest information on national publicity, cooperating organizations, etc.

- Committee continues lining up sites and workers, ordering materials, planning in detail for briefing session and petition days, conducting unit discussions, etc.
- Public Relations Chairman intensifies efforts to gain publicity in early April to peak at the opening of the campaign

April

National office mails editorial material to major news media, radio and TV networks in early April

- Committee finalizes plans
- Local publicity
- Briefing session for workers - early April
- Petition drive - April 15-22
- Collect petitions and count signatures - April 22-24
- Report number of signatures to State Board - on or before April 24
- Mail petitions or bring them to the National Convention

- State Board reports to National - on or before April 30

May

National office and D.C. League count nationwide signatures total - April 22 - May 5

- Rally during Convention to celebrate conclusion of the petition drive
- Petitions presented to the senior Senator from each state - May 6
- League Convention delegates visit their Congressmen and tell them how many signatures were collected in their district - May 6

League of Women Voters of the U.S.

[redacted]

D.C. PETITION DRIVE FOR
REPRESENTATION IN CONGRESS

January, 1970

ERRATUM ON THE BACK OF THE PETITION FORM

In the rush of getting the PETITION FORM printed before the February-March NATIONAL VOTER as a whole went to press so that a PETITION FORM could be included in the Kit, an error in the very first sentence of the explanation of the Drive slipped by. The date of the Petition Drive is April 15 - 22. The error will be corrected in the NATIONAL VOTER.

# # #

PLEASE NOTE:

The D.C. PETITION DRIVE KIT is going on DUPLICATE PRESIDENTS MAILING.

League of Women Voters of U.S.

[redacted]

This is going on
Duplicate Presidents Mailing
January 1970

D.C. PETITION CAMPAIGN: WORKING WITH THE MEDIA

The fact that residents of the District of Columbia lack congressional representation is not likely to be a familiar topic to your local media. In order to enlist their cooperation in publicizing the petition drive, you may have to educate them about the problem.

Press, radio, and television should be approached early with explanatory information and encouraged to build up publicity throughout the campaign. To do this, you should set a schedule similar to the one at the close of this paper. Every locality will have different needs and resources, but in all cases, you should make initial approaches immediately, and achieve peak coverage just before the petition drive begins.

If you do not have specific contacts at your local newspapers, information should go to the Assignment Editor and the Women's Editor. If there is a government writer or local columnist who handles this type of story, contact him as well. Editorial page writers should also be contacted regarding the possibility of one or more editorials on the plight of D.C. citizens. (See enclosed suggested material.)

For radio and television news coverage and spot announcements, get in touch with both the News Director and the Public Affairs Director. Most stations will not consider this type of campaign as public service material, but as a news feature. In attempting to get local personalities on talk shows, interviews, panels, or discussion programs, you will probably need to speak to the Program Director. (At smaller stations he may also be the News Director.) If you know who the producer is of a specific discussion show, call him in addition to the Program Director. If you do not, make a point of telling the Program Director which programs specifically you are interested in.

Explain the campaign and scheduled events very briefly, emphasizing the local tie-in and League involvement and offer to send more detailed information. When you send the information, be sure it goes to the specific person with whom you spoke. When you have a particular news item, be sure that stations receive it at the same time as newspapers, as timeliness is important to both, and competition is usually keen.

The amount of written information you distribute will vary according to the amount and type of publicity you are looking for. It is better to send too little than to inundate the media with material they can't use. If they have further questions, they will get in touch with you. In most cases, a news release, flyer, sample editorial, and copy of the petition will be sufficient. Always be sure to include a localized news release stressing the tie-in with the community and local residents. Without this, D.C. may seem unimportant to most newsmen.

The Year of the Voter theme can be utilized to explain why the League is concentrating on D.C. representation at this time. Since this is a campaign to emphasize the franchise as the basis of American democracy, the D.C. issue becomes extremely relevant. The fact that the petitions will be presented to Congress by delegates to the May convention is an additional story dimension.

The media will be interested in how your Congressmen feel about the issue of representation for D.C. If he favors the issue, be sure to send releases on his position as well as his comments on the League's petition campaign. The fact that your media shows an interest in D.C. representation will also not be lost on Congressmen who should be sent copies of good stories from papers in their district.

A small but important item concerns coverage of meetings and speeches. If reporters are present, try to give each an advance copy of the speech. This facilitates their job, and virtually ensures more accurate and more complete coverage. Photographs are desirable whenever possible.

As your League enlists support and cooperation from other organizations in the community for the campaign, you may wish to form an informational, ad hoc Public Relations committee to coordinate activities and contacts. Be sure to keep possible allies informed about any upcoming League meetings or other activities.

Following is a list of general areas of publicity. It is by no means complete, and you will certainly have additional ideas as to how your local media function.

PRESS:

1. News and feature stories: Cover the problem in D.C., what the League is doing, and the local people who are involved. Also cover meetings held and the petition drive itself.

2. Editorials: Encourage community awareness and participation in the petition drive.

3. Letters to the Editor: Try for letters both from local residents (League and non-League members alike) and past residents who are presently living in D.C. and can comment on what it is like to be without representation.

*RADIO AND TELEVISION:

1. News and feature stories: same as with the Press

2. Public Affairs spots: Although the campaign will probably not qualify for public service time, many stations do brief informational spots on news items of concern to the community. If a station asks you to prepare copy for a spot or announcement, stick precisely to the time limit they give you. Most spots should be several seconds short of the maximum (e.g. 28 seconds for a 30-second spot). An approximate word count is:

60-sec. spot:	125-150
30-sec. spot:	75
20-sec. spot:	50
10-sec. spot:	20
5-min. spot:	650-750

*Be sure to contact educational radio and television stations. They are particularly interested in issues such as this, and have generally been very eager to cooperate with the League. Also, if there is an all-news radio station in your area, it is a particularly good contact since they cover public affairs of this type quite heavily.

3. Editorials: Broadcasters are doing more and more editorials. Encourage the same as with the Press.

4. Talk Shows, Interviews, Panels, and Discussion Programs: Attempt to get time on every program that might possibly cover this type of activity. Work through Program Directors or individual producers. Be prepared to suggest willing participants (well-known residents, prominent officials, and knowledgeable citizens.)

The following is a suggested schedule for working with the media:

FEBRUARY:

1. Begin right away to make initial contacts. Call all possibilities and send out basic information on the program and the schedule of events.

2. Contact people (both in your area and in D.C.) who may want to write Letters to the Editor. Ask that letters be sent mainly in March and early April.

3. Make arrangements with Program Directors and producers of radio and television talk shows. Encourage scheduling most programs just before the drive begins.

MARCH:

1. Begin scheduling meetings and discussions. Send releases to the media. Call and invite them to attend.

2. Late in the month send another local release specifying plans for the petition drive. Include any endorsements from your congressman.

3. Remind people to write Letters to the Editor (if a lot of letters come in, it may encourage editorial writers to endorse the issue.)

4. Finalize plans for radio and television talk shows. Recontact those stations from whom you have received a "maybe."

APRIL:

1. This should be the time for peak coverage. Schedule as many meetings as possible and alert the media. Just before the drive begins, you might call a press briefing to give out final details.

2. Encourage reporters and photographers to visit petition-gathering sites which you expect to be the busiest. Alert people manning the sites to be prepared to talk to reporters informally, on tape, or on film.

3. Make final calls. Encourage last-minute radio and television interviews and as much news coverage as possible.

4. Publicize local League members who are going to Washington to Convention and to take petitions to their congressmen. The local delegation might hold a press conference before leaving.

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League of Women Voters of U.S.

[redacted]

This is going on
Duplicate Presidents Mailing
January 1970

D.C. PETITION CAMPAIGN: SUGGESTED MATERIAL FOR EDITORIALS

Washington, D.C. is the seat of our federal government -- the place where men and women, whom we elect, pass laws affecting each of us. However, if you lived in Washington, D.C. this statement would not apply to you. The 800,000 citizens of our nation's capital are voteless and voiceless in the Congress of the United States. They are denied the right of congressional representation.

Think about what that means. The City of Washington, D.C. is governed by Congress but there is no member of Congress who is elected by the people of Washington, D.C. Residents of Washington have no Congressman to vote for them or speak for them on any of the important issues which come before Congress daily. Washington's citizens pay federal and local taxes determined by Congress but, like the citizens of the original 13 colonies, they are taxed without representation.

Most of us have had occasion to turn to our Congressmen for assistance. When a family needs a son called home on emergency military leave, they can get help from their Congressmen. When a citizen needs information or action on matters such as social security or veterans' benefits, he can write his Congressman. When Americans want to act on an issue like conservation, they enlist the aid of their Congressman. When businessmen need help attracting industry to their community, they call on their Congressmen. When a citizens' group seeks help with a highway project or slum clearance or school programs, they ask their Congressmen for help.

The voteless District of Columbia citizen, lacking representation in Congress, has no place to go and no elected representative to plead his case.

The vote has always been one of the cornerstones of our political system. Women fought for and finally won the vote in 1920. The struggle for full enjoyment of the franchise by Negroes is part of one hundred years of our history. American soldiers are fighting in Vietnam for the principle that the South Vietnamese people should have a representative, duly elected government. But there is no representative government for the citizens of Washington. D.C.

Since 1961 and the ratification of the 23rd Amendment, D.C. residents have been able to vote for the President of the United States. In between presidential elections, they can vote for members of the school board and no one else. Yet Congress passes the local laws and ordinances which govern Washington. It determines all tax rates and fixes the city's annual budget. All of these important matters are handled without one elected representative of the people affected.

The only way that Washington residents can get the vote is for Americans elsewhere to act through their Congressmen and Senators -- to insist that those living in the capital are entitled to rights the rest of us take for granted. The League of Women Voters is launching a nationwide petition campaign to highlight the plight of our nation's capital and to win a congressional voice for Washington citizens. The goal: a constitutional amendment to give D.C. full representation in Congress. The League aims to enlist the aid of millions of more fortunate Americans in signing petitions to be presented to Congress this spring.

The League says: "In 1770, citizens of the 13 colonies said 'Taxation without representation' is wrong. In 1970, it's still wrong. It's wrong for citizens of Washington, D.C., the nation's capital, to be denied the right to participate in the affairs of their government."

# # #

League of Women Voters of U.S.

[redacted]

This is going on
Duplicate Presidents Mailing
January 1970

D.C. PETITION DRIVE: SAMPLE SPEECH

The League of Women Voters of the United States is sponsoring a nationwide petition drive. The Petition, to be presented to Congress on May 6, 1970, makes one simple request: that a Constitutional Amendment be passed to give the citizens of Washington, D.C., congressional representation.

Congressional representation is something that most of us have enjoyed all our lives. At times we tend to take it for granted and forget what congressional representation means to us as citizens.

Let's take a look at Congress for a moment. Perhaps some of you have visited Washington and taken a tour of the Capitol. Some of the most exciting places to visit in Washington are the Senate and House Galleries and Committee Hearing Rooms. Here one can watch our Congressmen and Senators in action -- making the important decisions that affect all our lives. One becomes acutely aware of the enormous amount of power centered in these rooms and one slowly realizes that here is where it all happens. It is in Congress that our laws are enacted, our tax rates determined and our national priorities defined. Most American citizens can take comfort in the fact that there are at least three people who represent them and their interests in Congress -- three or more individuals to whom each citizen can look for assistance on a number of problems.

Think for a minute of the services your Congressmen can perform for you. It is to your Congressional representative that you could appeal regarding welfare problems, Social Security adjustment and veterans benefits. It is the Congressman who arranges for emergency military leave for our servicemen. You can appeal to your Congressman for fair housing, equal employment and voting rights which are guaranteed every citizen as a result of congressional action.

On a broader scale the interests of your community are served by your Congressmen. Suppose your citizens' group needed help with a slum clearance project, the establishment of a day care center or health facility. Often you turn to your Congressmen for help. Businessmen will talk to their elected representatives concerning possibilities for federal contracts for local industry. Conservation, environmental control and anti-pollution programs all depend upon congressional support if they are to be effective.

On an even larger scale, the decisions made in Congress affect the nation as a whole, as well as the entire world. Our federal budget, taxes, foreign aid and other international policies are a direct result of congressional action.

Our Senators and Congressmen are among the most valuable assets we, as citizens of the United States, have. There is no doubt but that the right of each citizen to vote for and elect his congressional representatives is one of his most basic and important rights. Many people are not fully aware that it is a right that is denied 800,000 American citizens. The residents of the nation's capital itself have no voice and no vote in Congress. They lack the basic democratic right that so many of us take for granted.

OVER

Although the citizens of D.C. have no vote in Congress, they are no less affected by congressional action. Most laws for the District of Columbia are enacted by Congress. Washington citizens pay federal and local taxes as determined by Congress, and Congress decides how money raised by local taxes is spent. A great deal of American history followed the colonists cry "Taxation without representation is tyranny."

Nothing has occurred in the intervening 200 years that renders that slogan less valid today.

Fifty years ago, women in the United States were given the right to vote by the 19th Amendment. The 15th Amendment gave that right to Negro males 100 years ago. But no one was given that right if he or she -- black or white -- happened to live in the nation's capital. It was not until 1961 that D.C. citizens were extended the right to choose Presidential electors for the District. In 1968, D.C. voters elected their local school board members for the first time. Before that they were appointed by federal district judges. Today, the only government officials D.C. citizens have a voice in selecting are the President and Vice President of the United States and the members of the local school board.

Only you can help the citizens of Washington, D.C. Since they have no one to represent them, it is you -- the citizens with a voice in the government of this country -- who must represent them until they have the right to vote and to take a similar part in government. When the League of Women Voters in your area asks for support for its Petition Drive, please help. You can help by signing the Petition and by encouraging others to sign, too.

# # #

League of Women Voters of U.S.

[redacted]

This is going on
Duplicate Presidents Mailing
January 1970

D.C. PETITION CAMPAIGN: SAMPLE NEWS RELEASE

The _____ League of Women Voters will participate in a nationwide drive to win congressional representation for the 800,000 residents of Washington, D.C.

The first step in the drive will be the collection of petition signatures calling for a constitutional amendment granting a congressional voice to Washington, D.C. residents. The petitions, to be collected from all over the country, will be formally presented to Congress during the League of Women Voters National Convention in Washington, D.C., May 4-8.

In announcing the petition drive, League President Mrs. _____ stated: "The fact that the 800,000 people who live in our nation's capital have no one to represent them in the Congress of the United States is a basic injustice which must and can be righted."

Mrs. _____ pointed out that since Washington, D.C. is actually governed by the Congress, the lack of representation is a serious curtailment of an individual's right to participate in the affairs of government. Without elected spokesmen in Congress, residents of the District of Columbia have no one to represent their views on issues of national or foreign policy. In addition, Congress sets both federal and local taxes which D.C. residents must pay.

Two slogans, "Washington, D.C., The Last Colony" and "Taxation Without Representation is Wrong" will be used to highlight the lack of congressional voice or vote for District residents. The _____ League of Women Voters will gather petition signatures the week of April 16-22 -- one day after the April 15th federal income tax deadline.

The drive to secure congressional representation for the District of Columbia is an important part of League of Women Voters activities during its 50th Anniversary year. The League has designated 1970 as The Year of the Voter and, in addition to the D.C. petition drive, will be placing emphasis on the importance of the franchise for all Americans.

Representation in Congress for the District of Columbia will require the passage of a constitutional amendment by a two-thirds vote of both houses of Congress and ratification by three-fourths of the states.

# # #

League of Women Voters of the U.S.

[redacted]

D.C. PETITION DRIVE FOR
REPRESENTATION IN CONGRESS

January 1970

TWENTY QUESTIONS

on

THE CAPITAL AND THE CONGRESS

(These Questions and Answers may be used in many ways -- for briefings of petition gatherers, for speakers, for media, for bulletin articles, for unit meetings, for schools, for other organizations, for the public in general.)

1. Who ARE the Senators and Representatives from the District of Columbia in the Congress of the United States? There are NONE.

2. DOES the Declaration of Independence say "...governments are instituted among men, deriving their just powers from the consent of the governed"? YES, it does.

3. How can the residents of the District of Columbia express "consent of the governed"?

   Only through their vote for presidential electors and for School Board members. There is no official mechanism for expressing their opposition or consent to congressional action.

4. What does the U.S. Constitution say about representation in Congress for the District of Columbia?

   Written in 1787, the U.S. Constitution gives the power to Congress "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance by Congress, become the seat of Government of the United States..." (Article I, Section 8)

   It also states (Article I, Section 2) that Representatives shall be chosen by the people "of the several states" and that Senators shall be elected by the people of each state (Amendment XVII).

5. What was the intention of the founding fathers about residents of the District?

James Madison, a signer of the Constitution, wrote in THE FEDERALIST (Paper #43) that inhabitants of the nation's capital "...will have had their voice in the election of the government which is to exercise authority over them..."

6. How and when was the District of Columbia created?

1790 - President Washington chose the site and persuaded landowners to sell their holdings to the government at about $66 an acre. The District was originally 100 square miles of land from the sovereignties of Maryland and Virginia.

1801 - Congress assumed authority over the newly-created District of Columbia, composed of five units of local government. From former Maryland territory were the county of Washington, the city of Washington, and the city of Georgetown. From Virginia were the county and city of Alexandria.

1802 - Congress incorporated the city of Washington, the heart of the District of Columbia.

1846 - The county and city of Alexandria left the District with the retrocession of Virginia territory.

1861 - Congress took the first step toward a unified District Government.

1871 - The District of Columbia was created as a municipal corporation, embracing the city and county of Washington and the city of Georgetown.

7. How is the District of Columbia governed? BY CONGRESS.

1871 - Congress established a territorial government for the entire District.

1874 - Congress abolished the territorial government and took over the task of running the government of the District itself.

1878 - Congress enacted a plan whereby three appointed commissioners administered D.C. government under its direction.

1967 - President Johnson issued an Executive Order for reorganization which provided for an appointed 9-member City Council and one appointed Commissioner (Mayor) and deputy, with very limited power. Their function is almost entirely administrative.

8. How large is the District of Columbia now? Does it have as many people as any of the States?

It has an area of 67 square miles and a population of about 800,000. It has more residents than does each of the following 11 states: Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont or Wyoming.

9. Who makes final decisions about the details of District of Columbia government?

THE CONGRESS, and the President through his veto powers.

10. In particular, who determines how residents of the District of Columbia will be taxed and how revenues will be spent?

THE CONGRESS decides on federal taxes and local taxes for the District of Columbia except for property taxes which are set by the City Council. THE CONGRESS decides on how D.C. revenues shall be spent through its control of the budget for the District of Columbia.

11. Does the District of Columbia have any voice or vote in Congress? NONE, whatsoever.

12. How could the residents of the District of Columbia gain a voice and a vote in Congress?

An amendment to the U.S. Constitution would be necessary to give them congressional representation. Because the Constitution now specifies representation for residents of the states only, District residents are deprived of any form of representation in the body which governs it.

13. How may the U.S. Constitution be amended?

A proposed amendment must pass both houses of Congress by a two thirds vote, and then be ratified within a specific number of years by three fourths of the states. In order to be considered by either house of Congress, a proposed amendment must be reported favorably by the Judiciary Committee of either house. The Constitution provides another amending method which has never been used -- two thirds of the state legislatures may apply to Congress to call a convention for proposing amendments.

14. Are amendments for congressional representation for the District of Columbia now before Congress?

A number of amendments with a variety of provisions have been referred to Senate and House Judiciary Committees. A bill for an elected, non-voting Representative in the House was reported out of the Senate District Committee and was passed by the Senate on October 1, 1969. (A non-voting delegate would not necessitate a constitutional amendment.) This bill is now (January 1970) stalled in the House District Committee. It has President Nixon's blessing, but such legislation would be only a temporary, halfway measure that would not give to District residents a means of expressing the "consent of the governed."

15. What provisions are contained in some of the proposed constitutional amendments for voting representation in Congress which are still in Committee?

One provides for full representation in the House and Senate as though the District were a state. A so-called compromise resolution provides for full representation in the House but just one Senator. Still another proposal provides for one voting representative in the House while others provide for one voting representative at the time of enactment of legislation and additional representation as Congress shall permit in the future.

16. Would the adoption of an amendment to give the District representation in Congress make the District of Columbia a state? NO.

The essential difference between a State and the District of Columbia is that the U.S. Constitution grants powers to the states while it provides that Congress shall have jurisdiction over the District. A state has the power under a state Constitution of its own to establish its own government and make its own laws.

17. Will the provisions of any of the proposed amendments reduce the power of any of the States in Congress?

Representation in the 435-member House of Representatives is now based upon population. The election of one or more Representatives from the District of Columbia would decrease by one the total number of Representatives from not more than two states (according to the 1960 consensus).

Although representation in the Senate is by State rather than by population, the addition of one or two Senators to represent the District of Columbia would not deprive any State of its "equal suffrage" in the Senate, and would have only minimal effect on the percentage influence of each State delegation.

18. Will representation in Congress for the District of Columbia provide Home Rule for the District? NO.

The amendment will not affect the powers of the appointed Mayor-Commissioner or the appointed District of Columbia Council and will not affect the power of Congress to legislate for the District. (Home rule for the District can be provided through simple legislation -- for example by delegating local decision-making powers to the Mayor-Commissioner and the City Council.)

19. Who is for, and who is against, congressional representation for the District of Columbia -- and why?

Both political parties, President Nixon, all major citizens groups in Washington -- labor, local businessmen, church and civic groups -- AND of course the League of Women Voters of the U.S., the Chamber of Commerce of the United States, the National Education Association, the American Association of University Women, the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, the American Civil Liberties Union, the Board of Christian Social Concerns of the United Methodist Church, B'nai B'rith Women, the Democratic National Committee and the Republican National Committee, the National Association of Social Workers, Inc., the Americans for Democratic Action, the Ripon Society, among many other organizations.

Opponents of representation for the District include forces in Congress whose interests are opposed to those of the District. Congressmen who have had a free hand in handling the affairs of the District do not want to be challenged by a congressional delegation representing the needs and desires of the District of Columbia. Others do not like to see another source of urban influence in the Congress. And related to this, though not always stated outright, is the concern that the population of the District is predominantly black. In 1970 none of these reasons justify denying citizens of the District of Columbia their right to congressional representation.

20. What would be some of the benefits of representation in Congress for the District of Columbia?

The residents of the District would have Congressmen with whom to communicate who would respond to their interests in particular, as well as to the interests of the citizens of all the States. State delegations, desiring the votes of their fellow Representatives and Senators, would respect the views and interests of the D.C. congressional contingent, and thus the views and interests of the residents of the District. And because the D.C. congressional delegation would be a source of information on District attitudes and affairs, members of Congress, if they so desired, could vote more knowledgeably on legislation affecting the District of Columbia.

League of Women Voters of the U.S.

[redacted]

D.C. PETITION DRIVE FOR
REPRESENTATION IN CONGRESS

January 1970

NATIONAL ORGANIZATIONS WHICH HAVE ALREADY EXPRESSED INTEREST
IN
COOPERATING IN THE LEAGUE'S D.C. PETITION DRIVE

American Association of University Women

American Civil Liberties Union

Americans for Democratic Action

B'nai B'rith Women

Board of Christian Social Concerns of the United Methodist Church

Chamber of Commerce of the United States

Democratic National Committee

National Association for the Advancement of Colored People

National Association of Social Workers, Inc.

National Education Association

National League of Cities

Republican National Committee

The Ripon Society

A more complete list with a description of cooperative efforts will be forthcoming soon. Meanwhile, contact local chapters of these and other national organizations for suggestions and active help in planning your drive.

LEAGUE OF WOMEN VOTERS OF THE DISTRICT OF COLUMBIA

[redacted]

January 28, 1970

Dear Sister League:

Thank you for your enthusiastic replies to Mrs. Benson's August memorandum on our National Petition Campaign for national representation for the District of Columbia. We can't tell you how important your encouraging comments are now as we embark on this very exciting campaign to eliminate one of the gross inequities in our democratic system.

We District residents look forward eagerly to the day when we are recognized as citizens of this country with full voting representation and full participation in the democratic process. A local columnist recently pointed out that the District is powerless to gain that privilege, without the help of a national organization that will effectively take this issue to the country as a whole. How fortunate we feel that the League of Women Voters of the United States has enthusiastically elected to be that organization! And what a crowning achievement to mark the fiftieth year of the League's dedication to good citizenship!

A tentative schedule of the LWV/DC program is on the reverse side of this letter. We hope this will assist you in planning your local program.

The thanks of all the citizens of the District go out to you for your support in this struggle. Please feel free to call on the District League for any help we can give you.

Sincerely yours,

Connie Fortune

Mrs. Philip G. Fortune
President

Dec. 18	Letter from President of the LWV/DC to a prospective Honorary Chairman for the Petition Drive in the District of Columbia.
Jan. 8	LWV/DC Committee talked with Mayor Washington (Commissioner of the District of Columbia) to request his cooperation and support for the drive.
Jan. 21	Letter to Mayor and City Council spelling out details of drive and outlining what we would like them to do.
Feb. 3	Mayor Washington participates in the LWVUS Press Conference when Mrs. Benson will announce the drive. The President of the LWV/DC, Mrs. Philip Fortune, also will participate.
Feb. 6	Letters from the LWV/DC or personal contacts with distinguished citizens and others requesting active support.
February	PR contact in person with local radio and TV shows to arrange programs during the week of April 15-22; also contact editors of major newspapers to inform them of details of drive, ask support and editorials as well as coverage.
February	LWV/DC begins contacting other local groups regarding help in the drive-youth, colleges, civic associations, neighborhood centers, etc.
March 16-31	PR teams prepare series of press releases, radio and TV spots for use during week of April 15-22, to be ready by March 31. Extras or special releases to be prepared as needed. Local weeklies to be supplied material in time to meet their deadlines.
April 9	Mayor Washington has press conference to proclaim PETITION WEEK and to sign the first local petition. Media coverage arranged in advance.
April 10	Media to carry Mayor's Conference and other material on the Drive.
April 11-12	Mobile units to go into the city on first trips. Go to churches.
April 13	District Day in the U.S. House of Representatives. LWV/DC's Monday Mourning Club and other D.C. citizens to pack galleries of U.S. House of Representatives.
April 14-22	Congressmen on TV or Radio.
April 15	President of the LWV/DC and others on TV show.
April 15	Candlelight march to main Post Office to pay tax (media coverage). Petition Committee to try to get colleges in on this too.)
April 15-22	Mobile units circulating daily.
April 18	Popular musical on Washington Monument Grounds to stimulate interest in drive.
April 22	Finale. Church bells to ring throughout city at a specific hour of day. Theme: Let Freedom Ring.
May 6	Rally near Capitol to present petitions to the Congress.

League of Women Voters of the U.S.

[redacted]

D.C. PETITION DRIVE FOR
REPRESENTATION IN CONGRESS

January 1970

D.C. PETITION MATERIALS
(to be ordered from the national office)

Please determine your needs and order just as soon as possible, as none of these materials will be sent by First Class mail.

PETITION FORMS (see your February-March NATIONAL VOTER for sample)

	Quantity	Price	Total
50 copies - $1.25 100 copies - $2.00 500 copies - $9.00	_____	_____	_____

PETITION FLYERS (green and white flyer titled WASHINGTON, D.C.-THE LAST COLONY)

	Quantity	Price	Total
Minimum order - 100 copies @ $2.00 per hundred	_____	_____	_____

FACTS AND ISSUES - The Nation's Capital: 'A Nice Place to Visit - But'

	Quantity	Price	Total
1 copy - $ .25 10 copies - $1.75 over 50 copies - $ .15 per copy	_____	_____	_____

ORDER DIRECTLY FROM

Date _____

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
1730 M Street, N.W., Washington, D.C. 20036

Bill to League of Women Voters of _____

Address _____

_____

Person Ordering _____

League of Women Voters of the U.S.

[redacted]

This Statement is going on Duplicate Presidents Mailing

March 31, 1970

STATEMENT TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE DISTRICT OF COLUMBIA

ON

REPRESENTATION IN CONGRESS AND SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

by

MRS. BRUCE B. BENSON
PRESIDENT
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters of the United States supports full representation in Congress for the District of Columbia and self-government for its residents. That almost a million citizens have no voice and no vote in the Congress of the United States--their governing body--or in their City Council is a blot on our national image at home or abroad. The League firmly believes that injustices which defy any rational defense have been imposed upon the residents of our nation's capital by Congress and by the nation.

Since the Congress assumed authority over the newly created District of Columbia in 1801, its residents have had NO representation in Congress except for a three year period beginning in 1871. And for just short of one hundred years--since 1874--the Congress has denied to District of Columbia residents the self-government enjoyed by other U.S. citizens.

To delay correction of these injustices any longer is unthinkable.

Representation in Congress

Full representation in Congress for the District of Columbia is a top priority for the League of Women Voters. In April 1970 the League of Women Voters will launch a nationwide drive for signatures on a citizens' petition to Congress to initiate a Constitutional Amendment for such representation. In communities across the country this petition drive will focus attention on the plight of the citizens of our nation's capital and on the cause of their plight--the refusal of past Congresses to begin the process which will grant to Washington, D.C. citizens what the League of Women Voters considers a citizen's inalienable right--a voice and a vote in his government. The League believes the American Revolution was fought for this right.

And the Declaration of Independence speaks of "the right of representation in the legislature, a right inestimable [to the people] and formidable to tyrants only." "Governments are instituted among men, deriving their just powers from the consent of the governed," says the Declaration of Independence. But District of Columbia residents cannot give consent or dissent to what Congress does or does not do for the District or for the nation. They have no representation in Congress. No U.S. Senator or U.S. Representative can or should have the interests of the District of Columbia as his prime concern. The District needs its own voice and vote.

(OVER)

President Nixon's recommendation of a non-voting delegate to Congress is supported by the League of Women Voters only as an interim measure toward its goal of full voting representation in Congress for the District of Columbia. As a first step such a delegate will serve a good, though a limited, purpose.

Self-Government

For 32 years the League of Women Voters has urged Congress to grant self-government to the District of Columbia. The League agrees with those members of the Congress who have stated that self-government for the District of Columbia is a moral, social, and political issue. It is abhorrent to the League of Women Voters that nearly a million Americans almost within sight of the U.S. Capitol dome have no right either to elect their local government officials or to have a local government with power to legislate--within the framework of the U.S. Constitution.

One example of the urgent need for self-government is the adoption procedure for the annual budget for the District of Columbia. The District of Columbia budget goes through many steps from the time it is submitted by the mayor to the City Council (which has 30 days to act on it), proceeds through the federal Bureau of the Budget to first the House Appropriations Committee's Subcommittee on the District and then the full House Committee to the floor of the House, through the same steps in the Senate, and then, if necessary, through a joint conference committee before it goes to the White House to be signed (or vetoed) by the President as the District of Columbia Appropriations Act. Last year these steps consumed the period between September 1968 to December 1969. Meanwhile, the city had been operating since July 1, 1969 without an approved budget. This is an untenable situation for the ninth largest city in this country. Adoption of the District of Columbia budget should not have to be tied to the pace of congressional consideration designed for far-reaching national legislation.

The League believes that a Charter Commission to study home rule for the District of Columbia can be a positive step forward and therefore we support enactment of such legislation this spring. We support such a Charter Commission as a prelude to our goal of self-government for the District of Columbia, but not as a delaying tactic to a long overdue correction of a national injustice.

* * *

memorandum

The League of Women Voters of the United States

March 31, 1970

To: Local and State League Presidents (and D.C. Petition Drive Chairmen)

From: Mrs. Alexander White, National Board Chairman, D.C. Petition Drive

Re: D.C. Petition Drive

You will be happy to hear that the D.C. Petition Drive is gearing up all over the country for a smash-hit performance next month. Thoughtful planning is paying off already. Radio and TV programs, newspaper coverage, picture stories have been planned as kick-offs for the drive.

Young people are being involved as gatherers of signatures and as signers of the petition by Leagues from Oregon to Delaware and in between. The Greater Dover, Delaware, League will have a booth at the Home and Trade Fair for three days in April. The Baltimore County League wrote to fifty community organizations and four colleges enlisting assistance for the petition drive. The Metropolitan Columbus, Ohio has among its petition sites one in Capitol Square. The Findlay, Ohio League is having a mobile unit (a decorated Volkswagen bus) stationed at various locations during THE week. In Minnesota, Mankato League members will hold coffee parties to gather signatures from friends and neighbors. And in letters thanking contributors this League enclosed the petition flyer and invited them to gather petition signatures.

The cooperation of national organizations is most encouraging -- the NEA, the YWCA, the National Association of Social Workers, Americans for Democratic Action, the Leadership Conference on Civil Rights, for example. The B'nai B'rith Women are doing a drive of their own in cooperation with the League.

PLEASE NOTE! Just because of the cooperation we are getting from other national organizations, there may be some overlap within groups approached for signatures. So at every opportunity we must caution individuals to sign only <u>one</u> petition.

BEFORE THE DRIVE

There may be still be time to brief your workers. (See steps 7 and 8, pages 4-6 of TEN STEPS TO A SUCCESSFUL PETITION DRIVE from the Kit.)

<u>If it is possible to keep signatures from outside your state on separate petition sheets, by state, please do this</u>. All signatures gathered within a state will be "credited" to that state, but <u>a</u> petition sheet can be delivered to the Senator of only <u>one</u> state. So if out-of-state signatures are to have any political "clout," they must be on separate petition forms.

(OVER)

THE MEDIA

The national office is mailing petition campaign material to major news media, radio and TV networks the first week in April. Enclosed you will find copies of two excellent editorials from Washington newspapers after Mrs. Benson announced the D.C. Petition Drive in a press conference in which she was joined by District of Columbia Mayor Walter Washington. Editors of your newspapers might be interested in seeing these.

Just before your drive begins, you might call a press briefing to give out final details. Encourage reporters and photographers to visit petition-gathering sites which you expect to be the busiest. Alert people manning the sites to be prepared to talk to reporters informally, on tape, or on film.

AFTER THE DRIVE

Petitions Are Collected

The day after the close of the drive, check off your lists those who have turned in petitions already. Then have the original telephone committee call those who have not yet turned in their petitions. Provide an address for the delivery of petitions or arrange to have petitions picked up.

Signatures Are Counted

Toting up is probably the most fun of all. It will have to be a rush job if national is to receive the overall total for your State in time for pre-Convention publicity.

Report to your State League on or before Friday, April 24:

1. The total number of petition signatures collected by the League

2. The total number of petition signatures collected by other organizations and/or non-League individuals IF you have these petitions in hand. If organizations or individuals are going to mail petitions to Washington directly, do not include them in any count. They will be counted in Washington. Grand totals may be computed by national indicating League and non-League participation in the Drive.

3. The signature count by congressional districts, IF it is possible for your League to count signatures by congressional districts. (These totals can be extremely useful when the League lobbies in the House of Representatives for specific action.)

   Many Leagues encompass just one congressional district and some Leagues share one congressional district with other Leagues. These Leagues could easily report their totals (or approximate totals) by congressional district to their state Leagues. On the other hand, many large Leagues have more than one congressional district in their area and so it would be almost impossible in the extremely limited time between the Petition Drive and National Convention to ascertain in which congressional district each petition signer lived.

Results of the Drive Are Announced

Publicize local League members who are going to National Convention and who will take the petitions to Congress. The local delegation might hold a press conference before leaving.

Petitions Go to Washington

1. With Delegates--

   Local Leagues are strongly urged to send their petitions to Washington with their delegates to the National Convention. Petitions should be very firmly tied together in bundles not too heavy for carrying and holding for more than an hour by a Convention delegate. The number of signatures in each bundle should be clearly marked on a separate sheet of paper on top with the name of the League. Also list your state, city or town, and, if possible, the congressional district in which the signatures in each bundle were gathered.

OR

2. By Mail--

   If your League is not sending any delegates to the National Convention, the petitions may be mailed to:

   [redacted]

   Do NOT send any petitions to the national office.

   Other organizations and non-League individuals will either deliver the petitions they have gathered to the Leagues in their area or mail them to the Washington, D.C. Post Office Box.

   All petitions must be mailed in time to be received in Washington no later than April 30.

   The mailed petitions will be sorted by state, counted and bundled by members of the District of Columbia League for convenient hand carrying by Convention delegates from the state of origin. Your state League is responsible for getting all petitions mailed from your state and assigning particular delegates from your state, who do not already have a bundle of petitions, to carry the mailed-in petitions to the Rally and to the offices of your senior Senator.

(OVER)

AT CONVENTION

Each delegate to Convention who has brought a bundle of petitions with her is asked to hang on to it as though it were a diamond necklace. She is completely responsible for its delivery.

On Wednesday morning after the Convention session in the hotel adjourns, delegates bearing bundles of petitions will board buses at the hotel to take them to Capitol Hill where the D.C. Petition Victory Rally will be held in the Courtyard of the Old Senate Office Building at 1:00 P.M. Immediately after the Rally, delegates will go to the offices of their senior Senators to deliver the petitions. See attached list of senior Senators and their Senate office addresses. Your state League President will have notified the office of your senior Senator and will have asked for an appointment at 2:00 P.M. on Wednesday for the purpose of delivering the petitions.

Once the petitions have been delivered, delegates will call on their other Senators and then visit their Congressmen before the 4:00 P.M. Briefings on Governmental Issues.

# # #

League of Women Voters of the U.S.

[redacted]

March 30, 1970

D.C. PETITION EDITORIALS

WASHINGTON POST -- February 7, 1970

D.C.--LAST COLONY

The American people are going to get a lesson in civics this spring from the League of Women Voters. The lesson, that Washingtonians may vote for President but cannot elect any members of the House or Senate, and that they may vote for the local school board but not for the city council or mayor, will be broadcast throughout the land this April by the National League through its 1,300 local Leagues in virtually every congressional district in every state.

The educational effort which is needed because few Americans realize that the Capital enjoys only the most limited kind of suffrage, is part of the petition drive the League is launching during its 50th anniversary year, labeled the Year of the Voter. The objective is to enroll 1.5 million signatures (10 for each League member) to convince Congress that the American people, once informed, will want to amend the Constitution to give Washington voting representation in both houses of Congress--an entitlement of two senators and two House members. A two-thirds vote of each house of Congress is required as well as ratification by three fourths of the state legislatures.

For the League, which did yeoman service in providing state legislative ratification of the 23d Amendment giving the city a vote for President, that requirement is the easy part. The hard part is to convince Congress to move. A combination of lethargy and covert opposition has kept such measures off the floor of the two houses in the past. But not being among those who underestimate the power of the League of Women Voters we can confidently predict that the petition drive will get the congressional wheels turning, to which we would add the hope that sufficient momentum will be established to get the amendment resolution on its way to the states.

Along the way, and this gets back to the importance of the League's lesson in civics, there is a good chance that new life may be breathed into companion measures to provide home rule and, on an interim basis, pending final ratification of the constitutional amendment for national representation, the half-loaf proposal for a nonvoting delegate in Congress. These measures which have been endorsed by the administration require only a simple act of Congress.

The League is distributing bumper stickers which simply state in bold letters, "D.C.--Last Colony." That will continue to be an appropriate description of the state of the District until its citizens are given the full voting rights, local as well as national, that are their birthright as Americans.

(OVER)

WASHINGTON EVENING STAR -- February 7, 1970

WOMEN POWER

Nothing else having stirred the conscience of Congress, the national leaders of the League of Women Voters have decided to organize the people of the country in behalf of voteless Washington.

The goal is ambitious: To gather, by next May, at least 1 million signatures appealing for congressional approval of a constitutional amendment that would grant District residents full voting representation in the House and Senate.

The idea is, of course, that this outpouring of interest and concern from voters back home--presented first-hand to members of Congress--will generate a greater response than Congress has shown thus far. The idea is sound, and the people of the District owe the League a debt of gratitude for pursuing it.

Mrs. Bruce Benson, the president, says League units across the land already are gearing up for the job, and that there is an enthusiastic response. This is not surprising, for the League has been engaged in the campaign, through other efforts, for a long time. The subject also is eminently familiar on Capitol Hill. Two years ago, the House Judiciary Committee approved a representation amendment--which then died in the Rules Committee. In the Senate, there were sympathetic hearings--but no further action.

The reasons for these failures in both the House and Senate was not antagonism in any form but a massive apathy. The congressional leadership, which fell down in its responsibility,felt no real pressure to jog things along. And it is this function which the League now is determined to serve through direct pressure on individual members.

Sock it to 'em, ladies!

League of Women Voters of the U.S.

[redacted]

March 23, 1970

SENIOR U.S. SENATORS, by State -- OFFICE ROOM NUMBERS AND TELEPHONE NUMBERS

Room numbers with 3 digits are in the Old Senate Office Building, those with 4 digits are in the New Senate Office Building.

Telephone numbers should be prefixed by 225 and dialed directly.

State	Name	Room	Telephone
Alabama	John J. Sparkman	3203	4124
Alaska	Ted Stevens	304	3004
Arizona	Paul J. Fannin	140	4521
Arkansas	John L. McClellan	3241	2353
California	George Murphy	452	3841
Colorado	Gordon Allott	5229	5941
Connecticut	Thomas J. Dodd	115	4041
Delaware	John J. Williams	2213	2441
Florida	Spessard L. Holland	421	5274
Georgia	Richard B. Russell	205	3521
Hawaii	Hiram L. Fong	1313	6361
Idaho	Frank Church	204	6142
Illinois	Charles Percy	1200	2152
Indiana	Vance Hartke	451	4814
Iowa	Jack Miller	4313	3254
Kansas	James B. Pearson	4327	4774
Kentucky	John Sherman Cooper	125	2542
Louisiana	Allen J. Ellender	245	5824
Maine	Margaret Chase Smith	2121	2523
Maryland	Joseph D. Tydings	6237	4524
Massachusetts	Edward M. Kennedy	431	4543

(OVER)

State	Name	Room	Telephone
Michigan	Philip A. Hart	[redacted]	[redacted]
Minnesota	Eugene J. McCarthy		
Mississippi	James O. Eastland		
Missouri	Stuart Symington		
Montana	Mike Mansfield		
Nebraska	Roman L. Hruska		
Nevada	Alan Bible		
New Hampshire	Norris Cotton		
New Jersey	Clifford P. Case		
New Mexico	Clinton P. Anderson		
New York	Jacob K. Javits		
North Carolina	Sam J. Ervin, Jr.		
North Dakota	Milton R. Young		
Ohio	Stephen M. Young		
Oklahoma	Fred R. Harris		
Oregon	Mark O. Hatfield		
Pennsylvania	Hugh Scott		
Rhode Island	John O. Pastore		
South Carolina	Strom Thurmond		
South Dakota	Karl E. Mundt		
Tennessee	Albert Gore		
Texas	Ralph W. Yarborough		
Utah	Wallace F. Bennett		
Vermont	George D. Aiken		
Virginia	Harry F. Byrd, Jr.		
Washington	Warren G. Magnuson		
West Virginia	Jennings Randolph		
Wisconsin	William Proxmire		
Wyoming	Gale W. McGee		

League of Women Voters of the United States [redacted] May 4, 1970

SOME TIMELY ISSUES
FOR DISCUSSION WITH YOUR SENATORS AND REPRESENTATIVES

There is an excellent opportunity for League members this week, especially Wednesday afternoon, to get League views directly to the Congress through Congressional visits. Since four major pieces of legislation are now in the vital stage of decision-making on Capitol Hill, it is in these areas that delegates can be most effective:

ELECTORAL COLLEGE REFORM (Times for Action, February 6, April 15):

The crucial vote on the Constitutional Amendment will come up in the Senate shortly. The direct election plan passed its first hurdle in the Senate on April 23 when the full Senate Judiciary Committee voted 11-6 to report out Senator Bayh's Constitutional Amendment for the direct election of the President and Vice President with a run-off election if no pair of candidates gains 40% plurality of the vote. The final vote in committee came after several other reform proposals had been narrowly defeated.

The Senate will probably begin floor debate on the Constitutional Amendment the end of May. In order to pass -- 2/3rdsof the Senators present and voting must vote yes -- i.e. 67 yes votes are needed if all Senators vote on final passage. There are indications that several Senators might filibuster this issue. Even if there is no filibuster, other alternatives will undoubtedly be offered on the floor -- such as Senator Ervin's proposal which would keep the Electoral College system but abolish personal electors.

Some useful information on the Electoral College has been included in the state President's packet (given to state Presidents on Monday), and information is available at the Congressional Desk (including a limited supply of April 15 Time for Action) for those who wish to go up to the Hill on Electoral College. A list of Senators who support the direct popular vote is posted on the LEAGUE ACTION NEWS bulletin board (located next to the Congressional Desk). Feedback to us on Senators (or staff) response to your visit is important as it will indicate where the work needs to be done to get the necessary 67 votes for direct popular vote for President and Vice President.

TRADE LEGISLATION (Time for Action, April 23, 1970):

A Time for Action was sent to local and state Leagues last week. Those delegates with Congressmen on the House Ways and Means Committee will find this an excellent and timely opportunity to articulate League views for freer trade and against protectionism

The Ways and Means Committee is shortly to begin hearings on the Administration's Trade Act and on other trade legislation (scores of quota bills have been introduced this year). Information on the Trade Act and on protectionist legislation has been included in the state Presidents packet (given to state Presidents on Monday), and can also be obtained from the Congressional Desk for those who wish to go up to the Hill on Trade. (Time for Actions are also available in limited supply.)

At this point, it is vital that a sentiment for liberal-trade policies be voiced and that the dangers of protectionist legislation be spelled out to Congressmen. Those voices for quota legislation have been loud and long -- and are getting results. The voices of the liberal-trade community on this issue is needed to stem the tide now running toward protectionist legislation.

It is also important for the League national office to get some feedback from delegates who have visited congressmen (or staff) and discussed trade. The League is working with several other liberal-trade organizations in this area. Together, it is hoped that Congressmen's views on trade can be ascertained and that those Congressmen who are not sure or who do not have sufficient information on the subject can be brought up-to-date on the importance of the United States maintaining a policy of freer world trade.

APPROPRIATIONS FOR FEDERAL GRANTS FOR SEWAGE FACILITY CONSTRUCTION (Time for Action, April 15, 1970):

Mrs. Donald E. Clusen, National Water Resources Chairman, is testifying Monday, May 4 and Tuesday, May 5 before the House and Senate Appropriations Public Works Subcommittees in support of the $1.25 billion appropriation for federal grants for sewage facility construction in fiscal 1971. The Public Works Appropriations bill is expected to reach the House floor the first week of June. The League is again cooperating with the Citizens Crusade for Clean Water to gain support in Congress for the full funding for sewage facility construction. In the April 15 Time for Action, (available at Congressional Desk in limited supply) we listed members of the House of Representatives who have pledged support for the full funding for fiscal 1971 (see also LEAGUE ACTION NEWS bulletin board next to Congressional Desk). These Representatives should be commended for their support -- and the rest of the members of the House should be encouraged to support the full funding. You will also want to let your Senators know that the League is supporting the full funding for fiscal 1971.

DISTRICT OF COLUMBIA - NON-VOTING DELEGATE AND CHARTER COMMISSION BILLS (Report from the Hill, January 12, 1970 - page 11):

The Senate on October 1 passed two bills containing proposals made by President Nixon to give the District of Columbia a non-voting delegate to the House (S. 2163) and to create a 13-member, partially elected home rule study commission for the District of Columbia (S. 2164).

The D.C. bills have been stalled in the House District of Columbia Subcommittee # 3, chaired by Representative Dowdy (D. Tex.). The subcommittee has had several days of hearings during the past two months, but no vote on the bills has been taken. It is necessary first to get the subcommittee to vote on the bills. Members of the subcommittee are: John Dowdy (D. Tex.), G. Elliott Hagan (D. Ga.), Brock Adams (D. Wash), Earle Cabell (D. Tex.), Joel Broyhill (R. Va.), William Harsha (R. Ohio), Lawrence Hogan (R. Md.), and Earl Landgrebe (R. Ind.). These are the key men to be talked to in order to move the bills out of the subcommittee. You will want to urge all members of the House D.C. Committee to move the bills to the floor of the House as soon as possible. Delegates will also want to encourage other Representatives to get in touch with the D.C. Committee Chairman (John McMillan, D. S.C.), and the ranking minority member (Ancher Nelsen, R. Minn.), urging them to report the bills out of the full committee.

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For additional information on Legislation, VISIT THE CONGRESSIONAL INFORMATION DESK AND SEE THE NATIONAL COMMITTEE CHAIRMAN AND STAFF SPECIALIST IN THE PROGRAM AREA OF INTEREST TO YOU. At the Congressional Desk, you can also get tips on lobbying and help in setting up interviews. INTERVIEW FORMS ARE AVAILABLE AT THE CONGRESSIONAL INFORMATION DESK for those delegates who will be going to the Hill to meet with their Senators, Representative or staff member. After they are filled out (This should be done immediately after the meeting), they should be returned to the Information Center at Convention and put in the staff box marked D. STIMPSON.

Master Rec

Current Review of Continuing Responsibilities

League of Women Voters of the United States [redacted]

No. 2 July, 1961
Price 15¢

FOR CR CHAIRMEN AND THEIR COMMITTEES

INTRODUCTION

This League publication for local and state League leaders and committees responsible for CRs has a dual aim. As expressed in its title, part is "Current" to help leaders familiar with the national CRs keep up-to-date, and part is "Review" to help leaders less acquainted with the CRs build background. Consult the first page of the January 1961 issue to see how the Current Review is to be used. For general guidance and for what Leagues are expected to do on each CR, always consult the National Board Reports.

Annual reports told that action is the touchstone to interest in CRs. Time for presentation of a particular CR can be found in even the busiest of League schedules, your reports said, if a League position is threatened or if there is an opportunity for effective action toward a League goal. "Thoughts on Action," pp. 30-32, National Board Report, May 1961, is of particular interest to chairmen and committees handling CRs.

This first paragraph from a section on Continuing Responsibilities in the Cherry Hills, Colorado, local bulletin explains the relation to action vividly:

> "You can tell an old Leaguer any day by the way she rolls her CRs. The reason these CRs are so dear to her is, of course, that they were once her CAs -- which is to say that she read, typed, walked, phoned, spoke, boned up, and whittled down the original League study on the subject. She knows what the League stand is and why -- and she'd like to see all her hard work pay off."

For past hard work to pay off, members must be kept informed. If you have developed a successful presentation of a CR for your new members, a clever bulletin article, a quiz to pique curiosity in an upcoming CR meeting, if your CRs committee has done a better than usual briefing job, write up your success story in sufficient detail to make it helpful to another League and send it to your national CRs chairman on your state Board. Send another copy to the national office. Fresh ideas will be needed this fall when most Leagues will review the national CRs.

LOYALTY-SECURITY: BACKGROUND AND CURRENT STATUS
(CR 3)

The specific issue of the federal loyalty-security programs is dormant at the moment. There has been no official indication from the new Administration of plans to alter the current programs. Nor has an Administration pronouncement been made on legislation introduced in Congress thus far in 1961 to expand the programs. And in Congress there is little being said or done about such legislation.

In contrast, the general liberty-security framework, within which the League scrutinized the loyalty-security programs, has been very much in the news. This current concern with the ever-delicate relationship between a nation's security and the liberty of its individual citizens resembles in some ways the liberty-security debate which led the League into a study of the loyalty-security programs in the first place.

Here are a few recent headlines from newspapers scattered across the country: "High Court Deals Reds Hard Blow," "Congress Unit on Un-American Activity Given Support," "Intense Right-Wing Efforts Arouse Controversy," "Operation Abolition Showing Set," "Pentagon Reviews Files on Birch," "MacMillan Hit by Spy Story."

Behind these sample headlines are stories as varied as the Mr. Blake spy case in Great Britain, the controversial film on the San Francisco hearings of the House Un-American Activities Committee, and two Supreme Court decisions requiring registration for the Communist Party and penalties for active Party membership. But added together, these headlines reflect a climate of opinion which might lead to renewed activity for passage of legislation running counter to the League position on the loyalty-security programs.

Thus, although the specific issue of federal loyalty-security programs is not at the moment a lively one, the liveliness of related issues may well lead to sudden bursts of activity on loyalty-security legislation in Congress. In the recent past, loyalty-security bills have started their way through Congress with little or no notice. This makes mid-1961 an appropriate time to refresh ourselves on the League's position on the federal loyalty-security programs within its individual liberty-national security framework.

How We Got Where We Are

Early League Work on Individual Liberties in Times of Crisis

It has been said over and over again in League materials that the League, ever since its inception, has been concerned with the importance of individual liberty. But exactly why the League should have this concern has never been more succinctly explained than in League program material prepared on the eve of World War II:

> "Necessarily one of the assumptions of the program of the League of Women Voters is that there should be freedom of speech, assembly, and press. A program of political education could not be carried out in the absence of such freedom. The every-day activity of the League over a twenty-year period is the best testimony that the League of Women Voters has an appreciation of the importance of an environment free of undue restrictions

on the actions of the individual. In times of unrest and fear, there is always danger that civil liberties will be unreasonably restricted. The League is aware that such dangers exist today. . . ."*

Both hot and cold wars have also given rise to League recognition of the need for actively safeguarding individual liberties. All during World War II, the League program included an item on the "preservation of the greatest degree of civil liberty consistent with national safety in war." And when the cold war replaced the hot one, League members once again began to consider choosing an individual liberty issue for League study and action.

At both the 1948 and 1950 League Conventions, delegates expressed concern over "the grave problems that have arisen, affecting our system of individual constitutional liberties." Although no item was placed on the League's Current Agenda until 1954, the desire to do something was widespread. From 1951 to 1954, under Voters Service, Leagues throughout the country held discussions on the basis of a pamphlet Individual Liberty, U.S.A. prepared by the Carrie Chapman Catt Memorial Fund in 1951 at the request of the League.

"Freedom Agenda," A Promotion of Public Understanding.

But all this was the introductory stage. The cold war continued and so did conspicuous examples of infringements on individual rights. A public educational job under Voters Service did not seem to be enough. This led to the adoption of a community education item on the 1954-1956 League Program:

"Development of understanding of the relationship of individual liberty and the public interest."

For the next two years, the League, along with many other organizations, participated in community discussion programs known as Freedom Agenda. Various aspects of the Bill of Rights and individual liberty, including congressional investigations, the federal loyalty programs, freedom of speech, and problems of sedition were studied and discussed. Seven pamphlets were produced by the CCCMF for use in Freedom Agenda programs throughout the country.

Loyalty-Security Becomes a Current Agenda Item, 1956-1958

Out of the rewarding experiences of promoting public discussion of basic constitutional rights in the midst of controversy grew the desire to continue an individual liberty item, and to focus on just one problem area in order to move from study to action. There was sharp competition within the League between those interested in focusing on congressional investigating committees or on the federal loyalty-security programs. But member concern with the loyalty-security programs had the edge. At the 1956 Convention, League delegates adopted the following Current Agenda Item:

"Evaluation of the federal loyalty-security programs with recognition of the need for safeguarding national security and protecting individual liberties."

Why did the League consider the loyalty-security programs so in need of League attention? These programs which had been created during the late 1940's and

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* 1940-1942 Program Explanation to Item: "Safeguarding of constitutional rights, with special reference to freedom of speech, assembly and press is fundamental to the entire program."

early 1950's to cope with the threat of communist infiltration of government and defense establishments had grown by leaps and bounds to cover an estimated 10 million people. Since their creation as an emergency program 10 years before, few basic changes had been made. Criticisms were widespread that the size of the programs had become completely unwieldy, that they were administered unevenly, and that the rights of the individual employee were not adequately safeguarded. The League thought that, with its background study of the Bill of Rights and individual liberty as well as its consideration of our internal security system, it had an important role to play in bringing reason and facts into the controversy--and, if found necessary, of working to improve the programs.

The League study focused on the five federal loyalty-security programs--Government Employee, Atomic Energy, Industrial Security, Port Security, and Military Personnel--all of which had been established to prevent the employment of loyalty and/or security risks in government and in strategic defense jobs.

In addition to careful scrutiny of the objectives and methods of each of the five programs, Leagues considered the peculiar nature of the communist threat, the role of each political party, and the role of each branch of government. A review of various criticisms was made: the impact of these programs on science, on civil servants, on our international relations, on American legal traditions, and on individual liberty. Criticisms of the inefficiency and waste in these programs were also carefully weighed.

Extensive use was made of the basic League pamphlet, Liberty and Security (which is still available for 25 cents from the national office). Leagues also studied numerous books and pamphlets reflecting a wide range of views and covering a large number of related subjects, including communism, constitutional rights, and case histories of loyalty and security risks. Leagues also interviewed security officers, government personnel directors, political science professors, constitutional lawyers, and congressmen.

Following are some of the things which the League found through its careful study of the government employee security program, which more or less set the pattern for the other loyalty-security programs:

. Overclassification and overextension. There seemed to be a marked tendency in government to overclassify information which, in the case of the loyalty-security programs, had the effect of extending the requirement of intensive security investigations into areas and jobs which had no bearing on the national security (as distinct from the general welfare of the country). At the same time, this imposed unnecessary restrictions on personnel and erected roadblocks to the free flow of information among agencies. Overclassification and overextension of security requirements impaired government efficiency and lessened the nation's security, making the choice either a more effective security system in critical posts or a less effective one in all.

. No over-all coordination and supervision. There was no one government official in charge of over-all coordination and supervision of all the various programs. Consequently, each agency developed its own set of regulations and procedures, which lead to lack of uniformity in rulings on similar matters. This decentralization led to delays and frustrations and red tape, which had just the opposite effect from that desired, i.e., promotion of the national security.

. Standard and criteria. The security standard by which employees were screened was whether a person's employment in the federal service "is clearly consistent with the interests of national security." Consideration of numerous criteria

were called for, six of which related to sabotage, espionage, treason and sedition; advocating forcible overthrow of the U.S. government; unauthorized disclosure of security information; and membership in organizations on the Attorney General's list. Five additional criteria dealt with a person's character, from such a general criterion as "any behavior, activities or associations which tend to show that the individual is not reliable or trustworthy," to such specifics as "habitual use of intoxicants to excess, drug addiction, or sexual perversion."

The security standard did not call for the favorable aspects of a person's record to be weighed along with unfavorable information on which there was an almost unavoidable stress, since it was the job of the investigative officer to unearth any and all derogatory material on an individual.

. Procedural safeguards. The most frequently criticized procedure was that employees were not allowed the basic constitutional right of confrontation. This meant that an accused employee had to try to prove his innocence without the right to cross-examine witnesses. Lack of the right of confrontation was particularly criticized because the most prevalent type of charge by annonymous informants in loyalty-security cases was that the employee once belonged to an organization on the Attorney General's list or had once associated with someone who was a member of such an organization. And, although membership in organizations on the Attorney General's list was not supposed to be taken as proof positive that a person was unfit for government service, too often this appeared to have been the case.

In addition, an employee had no "outside" review board to appeal to; his only recourse was to ask the head of his department or agency to review his case.

Loyalty-Security Position Stated, 1958

By January 1958, most Leagues had completed their studies, reached agreement in favor of a wide variety of improvements, reported them to their state Boards, which in turn had submitted reports to the national Board. Meanwhile, the national Board had received directly from the local Leagues many letters, reports, bulletins, and other materials. From these combined reports, the national Board prepared the Statement of Position on Loyalty-Security on which our loyalty-security Continuing Responsibility is based. The League's position called for four major changes in the loyalty-security programs "in the interest of strengthening national security and maintaining our traditional concepts of freedom":

1) Limit the coverage to sensitive positions and provide for more realistic classification of information;

2) Institute more uniform procedures in the administration of the programs;

3) Apply a "common sense" standard in judging the individual (taking into account all evidence, the nature of position held, and the employee's value in his job);

4) Develop procedures which will provide the greatest possible protection for the individual (including rights generally considered a part of due process, such as the right to confront one's accuser but with the exception of regularly established informants).

The League also felt that the Attorney General's list should not be used without extensive revisions, such as information relating to the origins of each organization and the period of time and general nature of its subversive activity.

Highlights of League Action, 1958-1960

The League had started out with high hopes of being able to push for a positive package of major improvements. Such a role seemed possible when a Commission on Government Security was created in 1957 to analyze the current programs and to propose reforms. Finally issued much later than anticipated, the report was so voluminous and its proposals so complicated and so varied that to this day the omnibus security legislation proposed to implement the Commission's recommendations has received practically no serious attention in Congress.

And so, League action under our loyalty-security position has been somewhat different than originally envisioned. Our major role so far has been "to hold the line" and prevent congressional action from undoing the effects of two major Supreme Court decisions, both of which bear on two aspects of the League's loyalty-security position--the scope of the programs and confrontation rights for the individual employee.

Cole v. Young (1956). About a month after the League decided to concentrate its attention on the loyalty-security programs, the Supreme Court, in June 1956, handed down a decision which had the effect of significantly limiting the scope of the government employee security program. In Cole v. Young--a security case involving a food inspector for the Food and Drug Administration--the Court ruled that summary suspension and removal of employees on security grounds applied only to employees in "sensitive positions," i.e., positions designated by the head of any department or agency in which the occupant "could bring about, by virtue of the nature of the position, a material adverse effect on the national security."*

The Court acknowledged the "justification for the summary suspension power" only "where the employee occupies a 'sensitive' position in which he could cause serious damage to the national security during the delay incident to an investigation and the preparation of charges." But the Court found it "difficult to justify summary suspension and unreviewable dismissals on loyalty grounds of employees who are not in 'sensitive' positions and who are thus not situated where they could bring about any discernible adverse effects on the Nation's security." In this connection, the Court pointed out that the government is not helpless when it comes to removing employees not covered by Public Law 733 because the 1950 Act "is not the only, nor even the primary source of authority to dismiss Government employees." Both the Lloyd-La Follette Act of 1911 and the Veterans' Preference Act "authorize dismissals for 'such cause as will promote the efficiency of the service.'" Since 1942, doubt as to a person's loyalty has been recognized as a "cause" for dismissal under those procedures.

Soon after the Cole v. Young decision, legislation was introduced in Congress urgently calling for a re-extension of the security program to all government employees whether in sensitive or nonsensitive positions. Proponents of this type of legislation continued their efforts, without success, throughout 1957 and 1958.

Meanwhile, once the League's position on the loyalty-security programs had been announced, the national Board issued a Time for Action (February 27, 1958) calling for action in opposition to legislation re-extending the security program to

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* As stated in Public Law 733 of 1950, which granted to the heads of 8 departments and 3 agencies summary suspension power, i.e., the right to "suspend, without pay, any civilian officer or employee" under their jurisdiction "when deemed necessary in the interest of national security."

nonsensitive positions. And, after the May 1958 League Convention, at which delegates adoped a Continuing Responsibility on loyalty-security and indicated a strong desire for special emphasis on League action under the new CR, Leagues continued to act throughout the summer of 1958. Despite the League's vigorous efforts, only the threat of a lengthy Senate debate on the closing day of the 85th Congress prevented final enactment of such legislation.*

In the first days of the 86th Congress, in 1959, re-extension legislation similar to the bill that had almost passed in the previous Congress was introduced. The League testified at hearings which were held by the House Post Office and Civil Service Committee as well as by the Senate Internal Security Subcommittee. Neither employee groups nor Administration spokesmen indicated any great enthusiasm for the legislation. Their reluctance to push for enactment, combined with growing disenchantment on the part of several members of the House Committee and the strong opposition of such groups as the League, were responsible for the bill remaining in committee. There it died with the close of the 86th Congress in the late summer of 1960.

Greene v. McElroy (1959). In a June 1959 decision concerning the industrial security program, Greene v. McElroy, the Supreme Court ruled that neither Congress nor the President had authorized an industrial security program whose proceedings could, in effect, deprive a person of his job without the traditional safeguards of confrontation and cross examination. The Court did not rule on the question of whether the government could dismiss a person if he had been denied the opportunity to confront and cross-examine his accusers, and indicated that before that could be done "it must be made clear that the President or Congress, within their constitutional powers, specifically have decided that the imposed procedures are necessary and warranted and have authorized their use."

Legislation was soon introduced in Congress in response to the Greene v. McElroy decision. One such bill, sponsored by Representative Francis Walter (D-Pa.), provided for congressional authorization of an industrial security program without procedural safeguards. Since the bill did not provide for even limited confrontation or other procedural rights for the individual employee, it clearly was counter to the League position. The League, however, did not have the opportunity to oppose this bill since it was suddenly reported out of the House Committee on Un-American Activities, without hearings, and passed on the consent calendar of the House in February 1960. Referred to the Senate, no further legislative action was taken on the bill and it too died in committee with the close of the 86th Congress.

Meanwhile, an Executive Order revising industrial security procedures had been issued in February 1960, making it a general rule that anyone covered by the program has a right to confront and cross-examine his accusers, with three exceptions: 1) a "confidential informant" who has been engaged in obtaining intelligence information for the Government; 2) persons who are physically unable to appear to testify because of "death, severe illness or similar cause"; and for other "good and sufficient" reasons if the head of the department or agency concerned deems it necessary to withhold an informant's name. And on August 4, 1960, the Defense Department issued regulations to implement the new Executive Order.

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* See "A Report From the Hill," National Voter, November 1958.

Where Do We Go From Here?

Current Executive Outlook

Since there has been no official pronouncement from the Kennedy Administration on the current loyalty-security programs, the only picture available is one pieced together from scattered observations by news reporters in Washington. For example, there has been recent speculation concerning the prospects for changes called for in the 1960 Platform of the Democratic Party, which read in part:

> "Today with democratic values threatened by Communist tyranny, we reaffirm our dedication to the Bill of Rights. Freedom and civil liberties, far from being incompatible with security, are vital to our national strength. . . . we shall provide a full and fair hearing, including confrontation to the accuser, to any person whose public or private employment or reputation is jeopardized by a loyalty or security proceeding."

An early implementation of the Platform pledge is not considered to be in sight. It has been predicted the Administration would continue to work with the present system and make improvements through the appointment of "well-qualified administrators," rather than attempt to get a "good" program through Congress at the present time. After the President scores a few major successes in other fields, he may be in a better position to take on the job of revamping the programs, according to some observers.

In the meantime, it has been reported that the Internal Security Division of the Justice Department is making a "low-pressure review" of the federal employee security program.

Current Legislative Outlook

So far in the 87th Congress, the House Committee on Un-American Activities has been the most active proponent of legislation to counteract Supreme Court decisions affecting the loyalty-security programs, such as the Cole v. Young and Greene v. McElroy cases. In its 1960 Annual Report, published shortly after the opening of the first session of the 87th Congress in 1961, the Committee urgently recommends:

1) That "legislation be passed to stem the serious breach in the Federal Employee Security Program opened by the decision in Cole v. Young," and
2) That "the Congress authorize the President to prescribe regulations, relating to Government contracts with industry, creating industrial personnel security clearance programs, to assure the preservation and integrity of classified information, and reposing in the President a summary or discretionary power, without judicial review, to those not clearly loyal or who may be security risks, with authority to subpoena witnesses to testify under oath in matters relating to any investigation or hearing provided for by such regulations."

Both recommendations were embodied in an omnibus internal security bill, H.R. 6, introduced on January 3, 1961, by the Chairman of the Committee, Representative Francis Walter (D-Pa.). The numerous provisions of H.R. 6, presented as amendments to the Internal Security Act of 1950, call for changes in such varied fields as passports and defense facilities. Referred to the Un-American Activities Committee, no further action has been taken on the bill.

Government Employee Security Program. The section of proposed H.R. 6 entitled "suspension of civilian officers and employees of the United States for security reasons," contains provisions which are very similar to the last version of the "sensitive position" bill before the House Post Office and Civil Service Committee in 1959. The section provides that:

> "All employees of any department or agency of the United States Government are deemed to be employed in an activity of the Government involving national security." /That is, all government positions become "sensitive."/
>
> "The head of any department or agency of the United States Government may, in his absolute discretion and when deemed necessary in the interst of national security, suspend, without pay, any civilian officer or employee of the Government." /That is, summary suspension powers to cover all employees, but on a discretionary rather than on a mandatory basis./

The bill also provides various procedural safeguards for the individual employee, including notifying him of charges against him and opportunity to answer these charges.

Industrial Security Program. The section entitled "Industrial Personnel Security Review" provides, among other things, that:

> "The President of the United States is authorized to institute such measures and issue such rules and regulations as he may deem necessary to provide for the establishment of uniform standards and criteria for determining the eligibility of--'(1) any person who has a contract with the United States, (2) any person who has a subcontract of such contract, and (3) any employee of any such person,' for access to any information which is, for reasons of national security, specifically designated by a United States Government agency for limited or restricted dissemination or distribution."

The industrial security section also provides that the President's decision "with respect to eligibility for access to information . . . shall be final and conclusive and no court of the United States shall have power or jurisdiction to review any such decision."

* * * * *

It is not possible at this time to forecast precisely what action might be taken on this or other loyalty-security bills during the 87th Congress. Although it is anticipated that Congress will continue to be preoccupied with other more pressing legislation, a sudden burst of activity comparable to that which occurred in the 85th and 86th Congresses may also take place during the 87th.

Leagues will be alerted by the national Board in the event of congressional action to expand the security programs or to diminish the procedural safeguards currently provided under the programs. And, of course, Leagues will also be alerted should an opportunity for positive implementation of the League's position become possible.

ALONG THAT ACTIVE WATER FRONT

(CR 1 - Water Resources)

Keep It Clean, Girls!

The bills to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control passed in the House on May 3, 1951, by a roll call vote of 306 to 110 and in the Senate on June 22 without a record vote. Both House and Senate versions increased the amount authorized for grants-in-aid for sewage disposal construction. Both extend federal authority to require pollution abatement to navigable waters, with the reservation that in the case of intrastate pollution the federal agency will take steps only when officially requested from within the state. Whatever adjustments are made in Conference Committee, the resulting bill will be another step toward cleaner water and thus increase the available supply.

Leagues responded marvelously to the sequence suggested in the Times for Action of March 29 and May 9 and to the special reminders of possibilities for effective action sent to states with Senators on the Public Works Subcommittee and, at the very end, to states whose Senators were reported to be uncommitted in their position on "navigable waters." Reports coming into the national office tell that Leagues and League members as individuals were communicating with their Congressmen and Senators at every step in the legislative process. Leagues also alerted many other groups and key individuals to the importance of this legislation and the timeliness of action.

Strong and unremitting effort by the League and the conservation organizations was necessary, even though the vote in neither House was close. The section extending federal authority to require pollution abatement to navigable waters was included in the Senate bill by an 8-7 vote in the Subcommittee on Rivers and Harbors. Up to shortly before the bill was brought up on the Senate floor, it was expected that an amendment to weaken that section would be offered. Lobbying against the enforcement provision had been strong, but as support for it strengthened the contest was settled off the floor.

For the Conference Committee Report and the final outcome see KULP in the July-August 1961 VOTER.

Clean-up Along Old Muddy

St. Joseph, Missouri, the only city to date to be taken into court under the enforcement provisions of the Federal Water Pollution Control Act, on April 11, 1961, by a vote of 10,502 to 3,789, passed a $5,955,000 bond issue for waste disposal.

The St. Joseph case began nearly four years before, when, on June 11, 1957, a conference disclosed that wastes from the city and 18 industries in the St. Joseph area were causing serious pollution of the Missouri. The industries subsequently agreed to take steps to treat their wastes, but the residents of St. Joseph voted down bond issues for this purpose in 1958 and 1960. After a public hearing, the federal government brought suit against the city at the request of the Kansas State Board of Health and with the concurrence of the Missouri Water Pollution Control Board.

With St. Joseph's capitulation, the major obstacle to the federal-state program to clean up the Missouri has been overcome. For a thousand miles from South Dakota to St. Louis, cities and industries are operating, are building, or are planning treatment facilities. In November 1960, Omaha, Nebraska; Kansas City, Kansas; and Kansas City, Missouri approved bond issues for sewage treatment plants or programs. Sioux City and Council Bluffs, Iowa, have expressed their intention of remedying their pollution of the river. All other cities coming under the provisions of the act are complying with federal directives.

Change will not be visible immediately, but as the Iowa VOTER said, "It is hoped that with this attitude of cooperation, the water pollution situation on the Missouri River can be brought under control within a few years."

Department of Natural Resources - Fact or Fiction

During the years in which the League was studying the problem of coordination of water resource programs, the concept of a single department of natural resources had great appeal for a number of members. It was recognized, however, that the political realities of those years precluded any possibility of reorganization along such lines. Improved coordination of the administration of water resources through the establishment of a single department of natural resources is again being discussed in Washington. The proposal is intriguing because of its simplicity.

At first glance the advantages seem obvious: Responsibility for administration would be fixed in a single agency; the entire expenditure for development would be clearly seen in each year's budget; there would be tighter control over policy matters. Increased efficiency has been a result of action along these lines at the state level.

The disadvantages of such reorganization are neither so readily apparent nor so susceptible to demonstration. Major changes would be necessary. A Department of Natural Resources would require not only reorganization of the executive branch but also of the legislative, were it to be truly effective. Congressional committees are organized to consider policy, fiscal authorization, and monetary appropriation in relation to existing agencies. The various committees are in delicate balance. It is highly improbably that Congress would agree to a drastic committee reorganization or to the transfer of bureaus and agencies with the possible adjustments in committee power which might result.

The political situation has not changed too much since the League began its study of water. There are strong congressional interests which oppose the control presently exerted on water resource development by the Bureau of the Budget and feel that a single resource agency would be even more subject to Bureau control. There are still strong interests closely tied to the Department of Defense and the Corps of Engineers and interests continuing to support the Department of Interior. There is a body of opinion in Washington that interest in a single Department of Natural Resources is a move by Interior to increase its scope rather than a move based on sound motives of efficiency.

And this raises another question - as to whether a really large agency encompassing so many aspects of a complex matter is necessarily more efficient.

The effect of a Department of Natural Resources would be to center under a single Secretary the mining, paper, oil, power, grazing, lumber, and water-using

interests. The forces of the major mining and manufacturing groups, the beneficiaries of public works, the users and polluters of water, not to mention the conservation and recreation lobbies, would focus on this one department. The members of the agency would be subject to almost overwhelming pressures. The single department could exert tremendous influence on the domestic economy.

President Eisenhower in his parting message stated that the forces which would be most difficult to withstand within the country would come from the defense establishment and the related industries which control so much of the economy. The creation of a single department of natural resources would have much the same effect. Now the agencies can and do to some extent criticize and check each other.

River Basin Commissions

Current Proposal for River Basin Planning

Each Basin Individual and Unique

When the League of Women Voters began the study of national water resources in 1956, the unity of a river basin was one of the first points on which members agreed. League members quickly grasped that:

1) In nature the intricate pattern of drainage in a river basin is a delicately balanced whole. Changes in land and water in one part set in motion adjustment elsewhere.

2) Political boundaries, administrative divisions, bureaucratic agencies - the government in which the League works - are superimposed on the natural unity of the drainage basin.

3) Lasting success in water development depends on developing reasonable harmony between the unity of the resource and the multiple and conflicting demands made upon it by human groups.

Accepting the value of working with, not against natural forces, the League of Women Voters adopted in 1958 a CA which expressed "support of those national water policies and practices which promote ... regional or river basin planning."

The League of Women Voters saw that a river basin is not only indivisible but unique. As each basin requires its individual plan for physical development, the people of the basin will be best served by a planning and administrative organization tailormade for the political, social, and economic situation and prospect in that basin.

Machinery for River Basin Planning

A number of types of administrative organizations to carry on river basin planning have been examined by League members: the basin authority (TVA), the interagency committee (Columbia, Arkansas-White-Red Rivers), the interstate compact commission (Ohio, Potomac, Columbia Rivers), the federal-interstate compact (New England region and Delaware River), and the river basin commission (Texas, the Southeast region). Each has its merits, and to each strong objections have been raised, merits and objections which should be weighed as they apply to a particular basin or region.

Present emphasis in the executive and legislative branches of the federal government makes it important for League leaders to refresh and enlarge their information on river basin commissions. (See the National Board Report, May 1960, pp. 22-23, the NATIONAL VOTER, May 1961, p. 4.)

Existing U.S. Study Commissions for River Basins

P.L. 85-850, August 28, 1958, authorized the U.S. Study Commission for the Southeastern River Basins and the U.S. Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe, San Antonio, Nueces, San Jacinto River Basins, and intervening areas (the latter conveniently reduced to "U.S. Study Commission - Texas" for daily use). Each commission was to undertake an integrated and coordinated investigation and submit to Congress and the President a comprehensive plan for the conservation, utilization, and development of the land and water resources within the area designated. Each is described in some detail near the end of this section.

Current Interest in River Basin Commissions

The absence of any legislative authority for planning comprehensive river basin development led Rep. Aspinall (D., Col.), Chairman of the House Interior and Insular Affairs Committee, to propose - as part of a bill in the 86th Congress - to authorize general creation of river basin commissions for planning maximum and most efficient water resource development, at least as far as federal agencies were concerned. The river basin commission was to have enough authority to make the plan. Development was to be carried out by the regular agencies, federal or state, but projects would be required to fit into the commission's plan. The result would be coordinated development.

When Representative Aspinall's bill was sent to the executive departments for review, as all proposed bills are, it was found that no administration position could be reached on the part of the bill which dealt with evaluation of water projects. The Bureau of the Budget expressed interest in the part which would authorize river basin commissions.

In January 1961, the Budget Bureau submitted to the 87th Congress the views of the Eisenhower Administration on the river basin commission proposal. On January 9, 1961, Rep. Aspinall introduced H.R. 2202, of which sections 2 through 5 deal with river basin commissions.

The House Committee on Interior and Insular Affairs has before it the Aspinall Bill (H.R. 2202) and the last Administration's recommendations. The Kennedy Administration has not yet sent a proposal to Congress, but is expected to do so shortly. Pending receipt of the present Administration's views, no hearings have been held by the House Committee, which will probably consider these three proposals and any related bills at the same time.

Characteristics of the Two Existing River Basin Study Commissions

The two U.S. Study Commissions for river basins may seem similar to the federal interagency river basin commissions, but there are differences. In the study commissions

1) The commission chairman is a resident of the area.

2) Each commission is appointed by the President and is responsible to the President.

3) The mission of the commission is to produce a plan.

4) The commissions are directed to use the services and studies of existing government agencies in consideration of all phases of water resource development, and these agencies are authorized to cooperate within the limits of available funds and personnel.

5) Operating funds are appropriated directly for the basin commissions and do not come from federal agency budgets. Salaries of men from federal agencies who serve on the commission continue to be paid by their agencies, however.

6) Construction or preconstruction activities are proscribed.

7) The commissions are ad hoc instruments which by law will go out of existence when their reports are made.

8) A staff paid by federal funds, appointed and supervised by the commission chairman, serves each and every commissioner. (Under the interagency system, each agency does the staff work for its representative.)

The river basin commissions proposed in Representative Aspinall's Bill (H.R. 2202) in general resemble the two existing river basin study commissions. To revise and keep up-to-date the river basin plan, the proposed commissions are to exist for ten years, longer if extended by the President.

Present U.S. Study Commission for the Southeastern River Basins

The Southeastern Commission covers most of Georgia and those parts of South Carolina, Alabama, and Florida contiguous with Georgia and in the Savannah, Suwanee, Apalachicola-Chattahoochee, Escambia-Conecuh, and Perdido Basins. Commission headquarters are in Atlanta. (The League of Women Voters of South Carolina has expressed the opinion that North Carolina and the rest of South Carolina should be included in the study.)

Legislation creating the U.S. Study Commission for the Southeast River Basins was introduced by Senator Richard Russell (D., Ga.) and co-sponsored by all Senators from Alabama, Florida, Georgia, and South Carolina. Representatives of these states supported the companion legislation in the House.

The Commission has 11 members - a chairman from the area, a member from each of the principal land and water federal agencies (Army, Commerce, HEW, Agriculture, Interior, Federal Power). The investigation and report is planned to include flood control, navigation, irrigation, hydro-electric power, fish and wildlife, recreation, water quality control, pollution abatement, water supply, public health, salinity, drainage, reclamation, industrial development, soil conservation, and forest conservation. In addition to the use of existing reports, surveys, studies, and general information available from the various Departments and Agencies of the four states, local governments, and public development organizations, the Commission "plans to utilize special staffs from colleges, universities, and organizations in the area for additional information needed." In its brochure the Commission stressed that (1) state and federal officials would be consulted and their views welcomed during the study, (2) governors and heads of federal agencies would be given ample opportunity to review the preliminary report and make recommendations and all such written recommendations, views, comments, would be transmitted to the President and Congress with the final report.

The Commission's plan was to prepare its report in preliminary form during 1961 and submit the final report to the President as soon as possible thereafter, but these dates were tentative.

Present U.S. Study Commission Texas

The Texas Study Commission is concerned with slightly more than 60 per cent of the state, everything except the Rio Grande Basin on the south, the Sabine on the Texas-Louisiana border, and the Arkansas-White-Red drainage to the north.

This commission has 16 members: A chairman, who is a citizen of the area; eight commissioners, each a resident of one of the named river basins; one from the state at large (a representative of the Texas Board of Water Engineers); and six from the federal agencies principally concerned with water development. Ten are citizens of Texas. Six are career federal employees. All are appointed by the President, but the commissioners from the eight river basins and the commissioner-at-large are nominated by the Governor.

The report - scheduled originally to be submitted to the President in July 1961 and, within 90 days thereafter, to Congress - is to be based on a truly comprehensive assignment with every possible use of water and land considered. The Commission is not to confine itself to functions "theretofore authorized by federal law and assigned to jurisdiction of some federal department." The report is to be based on estimates of economics, yields, and requirements 50 years ahead - in 2010. The Commission is to recommend ways of executing the report and keeping it current but is prohibited from including final project designs and costs. This report, to be published as a House or Senate document with its attachments, should make fascinating reading, when available, for all Texas League members.

Fresh Water from Salt

No newspaper reader can have missed the dedication of the Freeport, Texas, saline water conversion demonstration plant on June 21. About this "important step toward the achievement of one of man's oldest dreams," President Kennedy said, 'It gives me great satisfaction to announce today that the American people are ready and willing to share the fruits of our research -- and the knowledge of our technicians -- with those nations and peoples who wish to work side by side with us to enlarge the supplies of water available to mankind."

The Freeport plant is the first of five saline water conversion plants authorized by Congress in 1959. (See THE NATIONAL VOTER, June, 1960, for an account of the federal desalinization program.) Construction of demonstration plants at San Diego, California, and Webster, South Dakota (brackish water), is underway. Construction contracts for plants at Roswell, New Mexico (brackish water), and Wrightsville Beach, North Carolina, are scheduled to be awarded later this year, according to Secretary Udall.

The Freeport sea-water conversion plant is capable of producing one million gallons of fresh water per day. It will regularly supply the needs of the municipality of Freeport, which formerly was dependent on wells. Of the five methods to be tested, the Texas plant uses the most conventional - distillation. The basic patent is held by the U. S. Government.

Cost for each thousand gallons of water converted at the $1,250,000 Freeport demonstration plant during the first period of operation ran from $ .97 to $ 1.07. According to the Office of Saline Water, their computation of the cost of fresh water converted from saline sources includes, at today's prices, the cost of the land required for the plant, the total capital investment for equipment, and the operating costs including fuel and personnel, maintenance, taxes, interest, and insurance. The entire project is amortized on a 20-year schedule on the supposition that rapid technological progress will make a plant obsolete in that time.

Although there is no provision for water sale in the legislation authorizing the demonstration plants, the city of Freeport has offered to buy part of the desalinized water from the Freeport plant for 20 cents a thousand gallons, the cost of their present water. Dow Chemical Company has offered to buy the remainder for 30 cents a thousand gallons, the high quality of the water justifying this premium price. In the United States water from conventional systems sells at between 25 and 75 cents a thousand gallons delivered at the tap. Large developed supplies of irrigation water are available in the West at prices of 1 to 5 cents per thousand gallons.

From the oratory at the Freeport dedication ceremony, we select two remarks: From D. F. MacGowan, Director of the Office of Saline Water, U.S. Department of the Interior --

> "While the plant that we dedicate here today will demonstrate the progress that has been attained, it will also demonstrate that much still remains to be accomplished before fresh water from the sea will be generally available at an economic price."

From Secretary of Interior Stewart Udall --

> "We have much yet to learn about the technology of desalinization, just as there is much that we need to know about the basic properties and behavior of water. Therefore it is significant that this week there began a four-week study of needed basic water research at Woods Hole, Massachusetts, by a group of the country's outstanding water scientists."

The United States Will Soon Join

The treaty which will permit the United States to accede to the London Convention for Prevention of Pollution of the Sea by Oil (See Current Review No. 1, January 1961, p. 12) was approved by the Senate May 16, 1961, 92-0. U.S. participation in the program must await passage of implementing legislation. Such legislation, which specifies enforcement procedures and penalties for violation of nondumping zones, was introduced June 29 (S. 2187, Magnuson, D., Wash.) and referred to the Senate Commerce Committee. The draft bill for this purpose has already been approved by the Bureau of the Budget, considered by the Department of State.

Is Your League Interested in Its Basin's Wetlands?

Leagues interested in preserving the wetlands of their river basins for water supply, flood control, wildlife, or recreational values will want to watch H.R. 7391 (Dingell, D., Mich.), which was reported favorably June 14, 1961 by

the House Committee on Merchant Marine and Fisheries. This bill proposes that a maximum of $150 million be appropriated over a 10 year period to accelerate the program to acquire by easement, lease, or purchase 4.5 million acres of waterfowl-productive wetlands. This sum would be an advance, without interest, to the migratory bird conservation fund and would be paid back to that fund beginning in 1972. The advance would make it possible to complete in 10 years what had been laid out as a 30 to 40 year program using earmarked income from duck stamp sales. Bills to accelerate acquisition of wetlands had also been introduced by Congressmen Clem Miller (D., Cal., H.R. 7153), Pelly (R., Wash., H.R. 7062), Reuss (D., Wis., H.R. 4624), Johnson (D., Wis., H.R. 6133).

Conflict between federal programs affecting wetlands has been brought to Congressional attention recently. During House consideration (June 6) of the appropriation bill for the Department of Agriculture and related agencies (H.R. 7444), Rep. Reuss (D., Wis.) called attention to the conflict between programs to reduce agricultural surpluses and the Agricultural Conservation Program to increase agricultural land by draining wetlands. "You have the ridiculous spectacle," continued Mr. Reuss, "of the U.S. Government, through the Department of Agriculture, paying farmers to drain their potholes, and the Department of the Interior then paying farmers again to flood the drained potholes so that they will once more support waterfowl."

On June 20 in the Senate debate on H.R. 7444, Senator Douglas (D., Ill.) objected to the same appropriation of $16 million for drainage under the ACP. His objection, too, was the conflict between Agriculture's drainage program and federal programs to create wildlife havens and to decrease farm acreage available for raising farm products.

Hold Down That Stored Water

Evaporation from large lakes and reservoir surfaces in the 17 western states causes an annual water loss estimated at 14 million acre-feet of water (an acre-foot is 325,850 gallons of water). When in 1960 Congress for the first time appropriated $300,000 of nonreimbursable funds to the Bureau of Reclamation for research, about half was earmarked for study of ways to reduce reservoir evaporation.

Following major field tests at Lake Hefner (1958) near Oklahoma City and Sahuaro Lake (1960) near Phoenix, a third large experiment in reducing evaporation will be carried on this summer at Cachuma Reservoir in Santa Barbara County, California. A chemical film, known to have no ill effects on plant or animal life or on water quality for domestic use, will be spread in a layer one molecule thick over the eight-mile long surface of Cachuma Reservoir. Experiments have shown that such a monolayer of hexadecanol will reduce evaporation as much as 70 per cent, but it is not yet proved that the monolayer can be applied economically to a large body of water.

This fall, at the conclusion of the tests on the Bureau of Reclamation's Cachuma Reservoir, the cooperating agencies will issue a report of the reduction in evaporation and the costs of applying the monolayer. The federal government is taking out a patent on the equipment used, an improved version of that designed for the earlier tests.

Two New Names on the House Public Works Committee

The House approved changes in the House Committee on Public Works on May 23, 1961. The resignation of Congressman Schneebeli (R., Pa.) was accepted. A resolution electing Mr. John C. Kunkel (R., Pa.) and Mrs. Louise G. Reece (R., Tenn.) to the Committee was adopted.

You Might Like to Read These

Clawson, Marion and Fox, Irving K., "Your Investments in Land and Water," American Forests, Vol. 67, Nos. 1 and 2, Jan. and Feb., 1961. Resources of the Future Reprint No. 27. (Single copies free upon request from Resources for the Future, 1775 Massachusetts Avenue, N.W., Washington 6, D. C.)

Fox, Irving K. and Caulfield, Henry P., "Getting the Most Out of Water Resources," State Government, Spring 1961. Resources for the Future Reprint No. 28. (Single copies free upon request from Resources for the Future, see above.)

Rivers, William L., "The Politics of Pollution," March 30, 1961. The Reporter, Vol. 24, No. 7, pp. 34-36.

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1) Water	Current Review of CRs, Jan. 1961, No. 1, pp. 1-12, and in this issue
2) United Nations	Foreign Policy Roundup, June 1961
3) Loyalty-Security	CR of CRs, this issue
4) District of Columbia	CR of CRs, Jan. 1961, pp. 13-15
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LEAGUE OF WOMEN VOTERS OF THE UNITED STATES [redacted]

No. 3, OCTOBER 1961
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FOR CR CHAIRMEN AND THEIR COMMITTEES

INTRODUCTION

Chairmen of Continuing Responsibilities will want to remind their League Boards that this year each Continuing Responsibility which your members wish to retain MUST BE PROPOSED in the FIRST ROUND of Program planning -- deadline November 30. As you know, this is a change from procedure in the past. This new procedure will make the CRs more clearly the result of current membership agreement. While the program-making process is now the same for CRs as CAs, the rule still holds that the SCOPE OF A CR CANNOT BE ENLARGED unless it is put back on the Current Agenda.

CONTINUING RESPONSIBILITY	REVIEWED AND UPDATED IN
1) Water	Current Review of CRs, Jan. 1961, No. 1, pp. 1-12, July 1961, No. 2, pp. 10-18, and this issue
2) United Nations	Foreign Policy Roundup, June 1961
3) Loyalty-Security	CR of CRs, July 1961, No. 2, pp. 2-9, and this issue
4) District of Columbia	CR of CRs, Jan. 1961, pp. 13-15, and this issue
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NATIONAL CONTINUING RESPONSIBILITIES 1960-1962

ITEM VETO: A PERENNIAL THAT STILL HAS NOT BLOOMED

CR 5: "Measures granting the President authority to veto items in appropriation bills."

"The item veto is one of those hardy perennials that sprouts every year in the congressional garden without ever blooming." So begins an editorial in the New York Herald Tribune (August 4, 1961) commenting on a bill sponsored by Senator Kenneth Keating (R., N.Y.) proposing to grant the President the power to disapprove of any item or items of a general appropriation bill.

The item veto's constancy as a legislative proposal and its failure so far to be enacted, raises dual questions: why, on the one hand, its supporters persist on its behalf, and why, on the other hand, their efforts have not succeeded to date. Answers to these questions can be found in the history of this proposal and in the arguments on both sides.

The History of the Item Veto

Although the Constitutional Convention debates in 1787 reflected much concern as to whether the President should have the power to veto legislation, there was no discussion of the question of whether the President should be able to veto items within a bill. The veto clause of the U.S. Constitution, as finally passed, provided that "Every bill... shall ... be presented to the President ... If he approves he shall sign it, but if not he shall return it. ..." Article 1, Section 7, Clause 2.

But it was not until the Civil War period that the question of whether or not the President has or should have the power to disapprove one or more portions of a bill, while approving the rest, became an issue. The 1861 Constitution of the Confederate States included a provision for a Presidential item veto on appropriation bills. Individual southern states followed suit, by including the item veto in their own constitutions with Georgia and Texas first in 1868. All of the southern states, except North Carolina, every new state since the Civil War, except Nevada, and other older states have adopted the item veto, 42 in all. The Constitutions of the U.S. territories also provide for the item veto.

The first President of the United States to go on record in favor of the item veto was President Grant. His support, in 1873, was in reaction to a practice begun during the Civil War of adding legislative riders (that is, extraneous amendments dealing with substantive matters) to appropriation bills. Presidents since Grant who have favored granting the President the power to exercise some form of item veto include Hayes, Arthur, Franklin D. Roosevelt, Truman, and Eisenhower. In his January 1959 State of the Union message, President Eisenhower recommended the item veto on both appropriation and authorization bills. President Kennedy, however, has not yet made his views on the item veto known.

From time to time great enthusiasm for the item veto has been displayed by members of Congress, including the late Senator Vandenburg. Bills have been before practically every Congress, including the first session of the 87th. Well over 100 item veto measures have been introduced since 1873, according to Robert Ash Wallace, in his new book Congressional Control of Federal Spending.

The form in which the item veto proposals have been presented to Congress has varied greatly over the years. Usually they have applied to appropriation rather than authorization bills, some only to general appropriation measures, still others limited to rivers and harbors bills (that is, the legislation which is often referred to as pork barrel legislation).

The method by which the item veto would be achieved has also varied. In the past most of the bills were introduced as constitutional amendments. However, in recent years, there have been an increasing number of item veto proposals introduced as ordinary statutes. The constitutionality of such a law has never been determined and the proponents of this avenue of reform assume that the term "bill," as used in the veto section of the Constitution, could be interpreted loosely as "items" within a general appropriation bill.

Despite the frequent and long support and various avenues of reform, there has never been sufficient support in Congress for the item veto measures to make such headway. Although numerous hearings have been held over the years, only once, and that was in 1883, has the item veto been voted on in either House (motion to suspend rules of House defeated) and only once, in 1884, has the reform been reported out of committee (reported out by Senate Judiciary Committee).

Even so, proponents have seldom been daunted by their lack of success. One of the current supporters of the item veto in the House, Representative Fred Schwengel (R., Iowa) comments: "People tell me that I am butting a stone wall in trying to get Congress to grant the item veto authority. I admit that it isn't the easiest thing in the world to get recognition for the obvious."

Is this reform indeed "the simplest and plainest and surest" means to achieve economy in public expenditures, as one of its early proponents maintained? Or is it, as some of its opponents have maintained, a relatively far-reaching reform which "would give almost complete power to the President at the expense of Congress," and in fact would "vitiate our system of separation of powers and checks and balances?"

The Major Differences of Opinion

These two questions reveal the basic bone of contention between the proponents and opponents of the item veto -- a difference which has probably been primarily responsible for the item veto impasse so far. Here then are the major arguments made for and against the item veto:

Arguments For

Would provide to the President a power which has already been proven useful in 42 states. The Governors in these states have used the item veto with much success. For example, the use of the item veto by the California Governor in 1913 enabled him to cut 15 per cent of the total appropriations, none of which was repassed by the legislature. Once instituted, no state has ever taken away this power from its Governor.

Would reduce extravagance in public expenditures. The item veto would be a positive step toward controlling government spending and keeping the budget within balance. The President would be personally responsible for economy and efficiency in his Administration.

Would provide a means of counteracting pork barrel appropriations and check logrolling. Pork barrel items, which are provisions in appropriation bills for "unnecessary" programs, are presumably built up by the practice of logrolling -- the practice of a Congressman voting for the pet projects of his colleagues in order to gain support for his own pet project. It is claimed that large sums of money are spent on projects which would have little chance of being passed if considered alone -- and that this practice should not be and was not intended to be within the power of Congress. The item veto would either discourage these practices or enable the President to correct their unfortunate effects.

Would enlarge the President's veto power over legislation. The President ought to be free to exercise his independent judgment on the merits of bills which come before him. Legislative provisions are often added to appropriation bills, despite the parliamentary and prohibitive legislative riders. This practice puts the President in the position of either accepting a legislative provision of which he does not approve or to veto an entire appropriation bill. In these days of general appropriation bills, the veto of an appropriation bill can seriously slow down or stop the wheels of government.

Arguments Against

Would lessen Congress' responsibility for appropriations. Congressmen would be tempted to "load down" an appropriation bill with numerous items which they know should not be there in order to say to their constituents: "See, I voted for it." The "buck" would thus be passed on to the President to veto the unnecessary items. The likelihood of this practice is indicated by the comparable practice of members of the House voting for a reduced appropriation, thus taking public credit for economy, with the anticipation that the Senate would restore the needed funds. Even more relevant examples can be found in states in which the legislatures have tended to appropriate funds beyond the revenues of the state, and then to adjourn, leaving to the Governor the headache of deciding which items are to be cut out.

Would unduly increase the influence of the Executive over the Congress and would take away from the Congress its most effective power over the Executive (aside from impeachment). The President already has many means by which to influence Congress: patronage, party leadership, and direct appeals to the people. The item veto would give the President an additional tremendous bargaining lever with members of Congress: "If you don't vote in favor of Administration proposals, I will eliminate the appropriation for construction of new battleships in the Navy yard, or for the slum clearance project located in your district or the new post office." When Congress has appropriated for A and for B, Congress means to say that it gives to neither unless it gives to both. That is the just interpretation of its action. But if the President has the item veto power, he would be able in effect to veto the legislative intent of Congress.

The item veto is not necessary, since the President has comparable powers. The threat of the Presidential veto is one of the means by which Presidents make their objections known and exert influence before objectionable features are actually included in bills. Anyway, when they considered it important enough to do, Presidents have vetoed major appropriation bills (Presidents Hayes, Wilson, and most recently President Eisenhower in 1958). Furthermore, and most important, appropriations are permissive rather than mandatory. Appropriations give authority to spend; they do not direct that expenditures be made. The federal budget system makes direct provision for the Presidential impounding of agency funds. Occasionally a President diverts or leaves unused funds appropriated for some specific purpose of which he does not approve. For example, President Truman announced in 1950 that he would not proceed with a loan to Spain provided through an appropriation bill rider in 1950.

What may well be an appropriate power for state Governors is not necessarily so for the President of the nation. Legislative-executive relationships in the states are not necessarily comparable to those relationships within the federal government. In any case, many state legislatures itemize appropriations in considerable detail, thus enabling a Governor to disapprove specific amounts for specific purposes with no adverse effect on the amounts provided for other purposes. In contrast, Congress generally does not break down the appropriation bills into small enough items to enable the President to pick out and kill what he does not like without killing many other things he wants to keep alive. For example, appropriations for rivers and harbors projects are often included in an appropriation bill as a single item. Furthermore, even in the states, various conflicting interpretations given to the word item give rise to litigation. The Presidential item veto power may be even more difficult to interpret by the courts.

Flashback on the League's Item Veto Position

The League's position in opposition to the item veto was an outgrowth of a comprehensive study by the League of Congress' procedures for reviewing the federal budget (1952-54). Under this budgetary procedures item, the League reached a position in March 1954 in favor of "measures to improve the budgetary procedures of the Congress." In an Open Letter to Congress sent immediately after the announcement of the League position, six broad reforms were called for: 1) better opportunity for Congressmen to weigh the benefits of a program against its cost; 2) better methods for relating taxing and spending measures; 3) appraisal of the ultimate cost of a program at time of passage of both authorization and appropriation bills; 4) better coordination between the houses of Congress on budgetary matters; 5) acceptance by Congressmen of full responsibility for positions taken on appropriations, encouraged by such devices as roll call votes on appropriation bills; and 6) recognition by Congress of responsibility to abide by its own rules (e.g., the prohibition against legislative riders) or to change them. The League's budgetary procedures position had one other provision (almost by way of a footnote) which reads: "There is also agreement in the League on the desirability of granting the President the power to veto individual items in appropriation bills, if this proposal is combined with some of the more comprehensive changes outlined above."

The budgetary procedures position became a CR in 1956. The only specific legislative action taken under this CR was taken in support of the item veto. In the testimony which the League submitted to the House Judiciary Committee in May 1957, the League indicated its support of the item veto as well as the broad reforms called for in the original League position in favor of improved congressional budgetary methods.

At the 1958 Convention, only the item veto part of the budgetary procedures position was retained as a CR; the item veto was the only budgetary procedure endorsed by the League for which information has been furnished to the membership since 1954 and the only issue on which there has been an opportunity for League action. However, there were no further opportunities for effective action on behalf of the item veto. So in the national Board's Proposed National Program for 1960-62, the item veto CR was not included. Nonetheless, the delegates to the 1960 Convention voted to retain this CR indicating their desire to be able to act should the opportunity present itself. There has, however, not been any such opportunity for effective action so far under the current national Program.

NOW D.C. CAN VOTE FOR PRESIDENT IN 1964

CR 4: "Self-government for the District of Columbia; extension of national suffrage to citizens of the District."

The 23rd Amendment to the Constitution giving a vote in Presidential elections to citizens of the District of Columbia was ratified March 29, 1961, when the last of 38 state legislatures (Kansas) took favorable action. Many state Leagues took part in the campaigns that led to passage of ratifying resolutions.

Congress completed action late in September on legislation setting up voting machinery for the District so that, come 1964, District citizens may vote for three members of the Electoral College, the same number elected by the states with the least population. To vote in the District a citizen must have resided in the District one year, be 21 years old, register before each Presidential election.

The 1924 - 25 Program of the League of Women Voters included "District of Columbia Suffrage: to give the District representation in the Congress and the Electoral College..." Now all that remains of this 37-year-old League "item" is "representation in Congress" for the District.

In 1938 the League added support of <u>local</u> as well as federal suffrage for the District to its Program and after 33 years this objective is still unachieved. The Senate has passed home rule bills five times, but the House of Representatives has never taken a direct vote on such a bill. The House District of Columbia Committee is chiefly responsible for this state of affairs, for it has refused to report home rule bills many times. An attempt to bring a bill to the floor in 1959 by petitioning for its discharge failed by a small number of signatures. Perhaps it will be necessary to use this same method again in 1962, if there seems to be good chance of success. If the winds blow favorably Leagues will be alerted.

President Kennedy made a strong statement in favor of District home rule in July, 1961. He urged Congress to establish a local government composed of an elected Mayor and seven-member Council. His proposal included election of a nonvoting Delegate to the House of Representatives; provision of Presidential veto power only if acts of the Council affect the federal interest; long-term borrowing authority and limited short-term borrowing authority; an annual federal payment without congressional action; and that a charter referendum of all District citizens be held within nine months after passage of the bill. Bills incorporating these proposals were introduced in both House and Senate. (S. 2342, Sen. Bible (D., Nev.); H.R. 8147, Rep. Cohelan (D., N.Y.); and H.R. 8184, Rep. Multer (D., N.Y.) referred to the Senate and House District Committees respectively.) No action was taken by either Committee before the first session of the 87th Congress adjourned September 27.

UP-TO-DATE ON LOYALTY-SECURITY

CR 3: "Modification of federal loyalty-security programs to limit scope, standardize procedures, apply 'common-sense' judgment, and provide the greatest possible protection for the individual."

Congress adjourned on September 27 without passing legislation expanding or limiting the federal loyalty-security programs. Although Congress is not now in session, there may be new developments on the programs -- either through action by the executive branch or as a result of decisions by the judicial branch.

After its summer recess, the Supreme Court reconvened on October 1 but has not handed down any loyalty-security decisions to date. However, there was one significant loyalty-security decision made before the summer recess (too late to be analyzed for the loyalty-security article in the July 1961 CURRENT REVIEW). This decision was handed down by the Supreme Court on its final "decision Monday" (June 19, 1961) along with a series of decisions in the individual liberties field. In this decision, the Court upheld, 5-4, the federal government's right to dismiss a security risk employed by a contractor at a naval installation, without notice or right of a hearing. The defendant in this case was Rachel Brawner, a short-order cook, who had worked at the Naval Gun Factory in Washington. In November, 1956, the factory's security officer withdrew her security badge, advising her only that she did not meet security requirements and giving her no hearing or further explanation. She took her case (Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO v. McElroy) "to court," eventually reaching the Supreme Court.

According to the majority opinion, the case raised two basic questions. The first was whether the commanding officer of the Gun Factory was authorized to deny Mrs. Brawner access to the installation. The second was whether this exclusion deprived her of any constitutional right. As to the first, the majority held: "It cannot be doubted that both the legislative and executive branches are wholly legitimate potential sources of such explicit authority. The control of access to a military base is clearly within the constitutional powers granted to both Congress and the President."

On the issue of constitutional rights, the majority decision declared: "The Fifth Amendment does not require a trial-type hearing in every conceivable case of government impairment of private interest...Where it has been possible to characterize that private interest as a mere privilege subject to the Executive's plenary power, it has traditionally been held that notice and hearing are not constitutionally required.

"This case involves the federal government's dispatch of its own internal affairs...It has become a settled principle that government employment, in the absence of legislation, can be revoked at the will of the appointing officer...

"We may assume that Rachel Brawner could not constitutionally have been excluded from the Gun Factory if the announced grounds for her exclusion had been patently arbitrary or discriminatory -- that she could not have been kept out because she was a Democrat or a Methodist. It does not follow, however, that she was entitled to notice and a hearing when the reason advanced for her exclusion was, as here, entirely rational and in accord with the contract with M & M...

"...Nobody has said that Brawner is disloyal or is suspected of the slightest shadow of intentional wrongdoing. 'Security requirements' at such an installation, like such requirements under many other circumstances, cover many matters other than loyalty. For all that appears, the Security Officer and the Superintendent may have simply thought that Rachel Brawner was garrulous, or careless with her identification badge. For these reasons, we conclude that the Due Process Clause of the Fifth Amendment was not violated in this case."

In his dissent, Justice Brennan expressed "grave doubts" that there existed statutory or Executive authority for the withholding of Mrs. Brawner's security badge without the right of a hearing. But this he considered of lesser importance than the constitutional question: "(The majority opinion) holds that the mere assertion by government that exclusion is for a valid reason forecloses further inquiry. That is, unless the government official is foolish enough to admit what he is doing -- and few will be so foolish after today's decision -- he may employ 'security requirements' as a blind behind which to dismiss at will for the most discriminatory of causes....

"In sum, the court holds that petitioner has a right not to have her identification badge taken away for an 'arbitrary' reason, but no right to be told in detail what the reason is, or to defend her own innocence, in order to show, perhaps, that the true reason for deprivation was one forbidden by the Constitution." Justice Brennan concluded: "That is an internal contradiction to which I cannot subscribe.

"One further circumstance makes this particularly a case where procedural requirements of fairness are essential. Petitioner was not simply excluded from the base summarily, without a notice and chance to defend herself. She was excluded as a 'security risk,' that designation most odious in our times. The court consoles itself with the speculation that she may have been merely garrulous, or careless with her identification badge, and indeed she might, although she will never find out. But in the common understanding of the public with whom petitioner must hereafter live and work the term 'security risk' carries a much more sinister meaning. It is far more likely to be taken as an accusation of communism or disloyalty than imputation of some small personal fault. Perhaps the government has reasons for lumping such a multitude of sins under a misleading term. But it ought not to affix a 'badge of infamy,' to a person without some statement of charges, and some opportunity to speak in reply.

"It may be, of course, that petitioner was justly excluded from the Gun Factory. But in my view it is fundamentally unfair, and therefore violative of the Due Process Clause of the Fifth Amendment, to deprive her of a valuable relationship so summarily." (A copy of this decision, No. 97 -- October Term, 1960, can be obtained from the Supreme Court of the United States, Washington 25, D. C.)

It will be interesting to watch what kind of impact, if any, this decision has on the programs themselves, the future court decisions, and activity on the Hill when Congress reconvenes in January 1962.

CR 1: "Support of national policies and procedures which promote comprehensive long-range planning for conservation and development of water resources. Among these policies are: a) better coordination and elimination of conflicts in basic policy at the federal level; b) machinery appropriate to each region which provides coordinated planning and administration; c) cost sharing by government and private interests in relation to benefits received and ability to pay."

How Are We Doing?

With the first session of the 87th Congress ended, it is timely to consider what has been accomplished on the water front since the prospects were assessed in "What Is Brewing in Water" in the January 1961 Current Review.

The executive agencies could be expected to work out proposals to carry out the Administration's policy of greater information, use, and coordination in resource development, enunciated in the President's message to Congress on natural resources, February 23, 1961, which veteran observers termed "one of the strongest and most comprehensive Presidential messages ever presented on the field of natural resources."

However, the 16-point priority list which the President gave Democratic congressional leaders on February 21 (Congressional Quarterly, Vol. 19, No. 38, p. 1607, Sept. 22, 1961) included only one measure, aid for depressed areas, related to development of natural resources. Other kinds of legislation were given first place.

Meantime, completion and publication of the report of the Senate Select Committee on National Water Resources, filed with the Senate on January 30, 1961, had placed before elected officials, agencies, and the public five wide-reaching recommendations. Members of the Senate Select Committee, most of whom are members of standing committees which deal with water, are interested in sponsoring legislation based on Select Committee recommendations.

With Administration support and congressional interest, there has been movement on the water front notwithstanding the overshadowing importance of legislation on other fields as the following table shows.

Of the bills supported by the League of Women Voters, the pollution abatement bill and the Delaware Basin Compact bill are passed and signed, but the Resources and Conservation Act of 1961 and the Water Resources Planning Act of 1961 advanced only as far as Senate committee hearings. The Northeastern Compact was passed by the House but has not been taken up by the Senate committee.

Water Legislation

87th Congress -- First Session

Bill Name		HOUSE Rept'd	HOUSE Passed	SENATE Rept'd	SENATE Passed	PRESIDENT Signed	LAW NO.
Water Pollution Abatement							
HR 6441	S 120	X	X	X	X	7/20/61	PL 87-88
Resources & Conservation Act of 1961	S 239						
Water Resources Planning Act of 1961							
HR 8177	S 2246						
Delaware River Basin Compact							
HJRes 225	S 856	X	X	X	X	9/27/61	PL 87-328
Northeastern Water and Land Resources Compact							
HR 30		X	X				
Depressed Areas							
HR 4569	S 1	X	X	X	X	5/1/61	PL 87-27
Saline Water Conversion							
HR 7916	S 2156	X	X	X	X	9/22/61	PL 87-295
Pollution of the Seas							
Treaty		(no action required)		X	X	X	
(implementing legislation)							
HR 8152	S 2187	X	X	X	X	8/30/61	PL 87-167
Columbia River Basin Treaty		(no action required)		X	X	X	
Wetlands							
Acquisition of - HR 7391		X	X	X	X	10/4/61	PL 87-383
Halting drainage subsidies	HR 8520	X	X				
Watershed Protection and Flood Prevention Act Amendment							
HR 3462	S 650	X	X	X	X	8/30/61	PL 87-170

Water Pollution Abatement

The passage of amendments to the Federal Water Pollution Abatement Act and the League's part in this success were reported in the Current Review, No. 2, July, 1961 and THE NATIONAL VOTER, "Water's Hot," May, 1961. Compromises worked out by the Conference Committee were accepted by both Houses and the bill was signed by the President on July 20, 1961. Public Law 87-88 1) names the Secretary of Health, Education, and Welfare as administrator of the pollution control program; 2) provides for water storage, in part nonreimbursable, to allow release (for pollution abatement) downstream during low water; 3) provides these funds for sewage-treatment plant construction: $80 million in fiscal 1962, $90 million in fiscal '63, $100 million for each of fiscal years '64 through '67; 4) continues federal authority to start action against any city or industry polluting interstate lakes and streams, and adds authority for federal action on intrastate streams at the request of the Governor of a state; 5) provides for increased federal grants to states for program development; 6) authorizes regional research laboratories.

The water pollution control program received the full $80 million authorized for treatment plant construction grants-in-aid for local governments and $15,028,000 for administration from the appropriation bill (H.R.7035) for the Department of Health, Education, and Welfare, now P.L. 87-290, plus supplemental appropriations (H.R. 9169) for the current fiscal year (1962). The supplemental appropriation included $300,000 for demonstration projects long authorized by the Act but never before implemented in spite of the pleas of conservationists.

Water Resources Planning Act of 1961

The Water Resources Planning Act of 1961 is the Administration proposal for achieving 1) better coordination and elimination of policy conflicts at the federal level; 2) coordinated planning for entire river basins; 3) strong and well-planned water development in all states. The companion bills, S. 2246 (Anderson, D., N. Mex.) and H.R. 8177 (Aspinall, D., Colo.), set forth the Administration's plan for implementing the recommendations of the Senate Select Committee on National Water Resources and bring together, in a single bill, principles and procedures included in a number of bills introduced earlier in the Senate and the House.

Water Resources Council

The Water Resources Planning Act of 1961, as proposed in July, will establish a four-member cabinet-level Water Resources Council comprised of the Secretaries of Interior, Agriculture, Army, and HEW. According to the President, other departments and agencies with interest in the water resources field will participate in the work of the Council on an ad hoc basis. The Council chairman is to be designated by the President, and President Kennedy said, in his letter of transmittal, that he will name the Secretary of the Interior as the first chairman. The Council is directed to

1) maintain a continuing study and make recommendations to the President concerning the nation's supply of good quality water, and its management under existing water programs and policies;

2) establish, with Presidential approval, principles, standards, and procedures (a) for preparation of comprehensive regional or river basin plans and (b) for formation and evaluation of federal water resource projects. (President Kennedy says establishing standards for (b) to replace those currently in effect will be the Council's first major task.)

3) review plans and plan revisions received from river basin commissions (see below), modify them in the national interest, and transmit the modified plans or revisions with comments of federal agencies, Governors, and interstate commissions to the President for transmittal to Congress.

River Basin Commissions — Under Title II, the proposed Resources Planning Act of 1961 permits the President, on request of the Governor of one or more of the basin states, to "create a river basin water resources commission for any region, major river basin, or group of related river basins in the U.S." Considering the composition, organization, and duties of the river basin commissions proposed in these recently introduced bills in relation to the existing river basin study commissions established for Texas and the Southeast, we see:

1) The commission chairman shall be appointed by the President on a full or part-time basis and be paid from federal funds. Residence in the basin is not named as a requirement. During service the chairman shall hold no other U.S. position, except a retired military officer may retain his status.

2) Commission members shall be appointed by the President and the following are to have representatives:

   - Each federal department or agency with substantial interest in the commission's work
   - Each state, wholly or partly, in the river basin or region -- these state representatives are to be nominated by the Governor
   - Interstate commissions and the U.S. section of any international commission whose jurisdiction includes the waters of the basin

3) Each basin or regional commission is directed to carry out the following functions for water and related land resources of its area:

   - Coordinate federal, state, and local development plans
   - Prepare and keep up-to-date a comprehensive, integrated, joint plan to be submitted to the Council together with comments from heads of federal agencies and departments, states, interstate and international commissions with representatives on the commission
   - Recommend long-range schedules for basic data development and for project investigation, planning, and construction
   - Submit an annual report to the Council for transmittal to Congress by the President, a copy to go to the head of each agency, state, or other body with a representative on the river basin commission

Report the commission's work to the head of each group with a representative on the commission and transmit back to the commission suggestions from this reporting

4) The commissions can draw upon federal agencies for information and, with the consent of the departmental or agency head, for staff also.

5) Commission members from the federal agencies will continue to receive their salaries from their agencies. State members will receive per diem compensation from federal funds.

6) The river basin commissions are set up for planning only. According to the President's letter of transmittal of the draft legislation "The preparation of detailed plans and specifications for individual projects, and the construction and operation of works of improvement will continue to be the responsibility of appropriate federal agencies, states, or local groups."

7) The commissions are to continue until terminated by the President. Terms of state representatives are to run for the same period as the Governor making the nomination but not longer than four years except by reappointment.

Testimony given by Mrs. Rosenblum on August 16, 1961, in support of S. 2246, cited (p. 3) a number of ways in which the proposed bill corrected weaknesses and points of dissatisfaction in present procedures for river basin planning.

Financial Assistance to States for Planning

Title III of the Resources Planning Act of 1961 authorizes $5 million a year for 10 years for grants to states to assist them in developing comprehensive water resource plans and in participating in the development of the comprehensive water resources plans authorized by Title II which sets up the river basin commissions. Allotment between the states is to be on the basis of population, area, need for comprehensive water resources planning, and financial need of the respective states. The federal share will be not less than one-third and not more than two-thirds of the cost of carrying out the approved program.

To receive federal grants, a state's program must be approved by the Council. To be approved, the state programs must provide for comprehensive water resource planning "to meet needs for water and water related activities ... with adequate provisions for coordination with all federal and state agencies having responsibilities in such fields." Standards and procedures for administration, reporting, budgeting, accounting, etc., must also be met.

In supporting the principle of financial aid to states in planning for water resource development the League said that strong, well-planned water development programs in all states would serve the national interest and were basic in solving the U.S. problem of water distribution and water quality. "Incentive payments to encourage state spending for water planning seem to the League an effective use of federal funds which can well bring benefits to the nation far in excess of the federal share expended." The League suggested more specific spelling out of the basis for judging the state's need for a planning program and the adequacy of the program proposed. "When we pay our taxes for this grant-in-aid program," said Mrs. Rosenblum, "we want to be as sure as we possibly can be that the federal aid is going to states which need help and that these states, in their comprehensive planning, consider all water uses."

Importance of this Proposed Legislation — The Resources Planning Act of 1961, if administered in a positive way, could be a tremendous step in the direction of unified policy and unified comprehensive planning. It contains ways of accomplishing, for water, many of the improvements that in February the President's message on natural resources proposed to accomplish by Executive Order.

The Administration is giving the bill strong support. At the joint hearing held by the Senate Committees on Public Works and Interior and Insular Affairs, Secretary of Interior Udall, Secretary of Agriculture Freeman, Secretary of Health, Education, and Welfare Ribicoff, and Assistant Secretary of the Army Schaub testified in strong support of S. 2246.

The report of the hearing before the Senate committees is now available. It contains the bill, the oral testimony, the Senators' questions and comments, and letters sent to the chairmen. League water resource committee members will find it fascinating and informative. League testimony begins on p. 121 and on p. 214. You'll be interested in Senator Anderson's comments as Mrs. Rosenblum concludes her two statements. This is an important bill. Now is the time to get informed in preparation for talking to your Congressman (you may well be more familiar with it than he is and, by showing that there is interest in the bill, help to shape his thinking) and for a Time for Action which may come during the second session.

The Resources and Conservation Act of 1961

League support for the Water Resources Planning Act of 1961 does not mean that we have abandoned support of S. 239 (Engle, D., Cal.) the Resources and Conservation Act of 1961, which proposed legislation provides that for ALL resources:

1) It is the policy and responsibility of the federal government, in cooperation with appropriate public and private agencies, to create and maintain conditions under which the nation's resources will be managed to meet present and future requirements, human, economic, and for national defense.

2) A three-member Resources and Conservation Council in the Executive Office should be appointed by the President to

   - gather and analyze information in natural resource trends as related to needs
   - appraise federal programs
   - recommend national policies to meet national needs.

3) An annual report should be prepared by the Council (utilizing services and information of existing government and private agencies) and submitted by the President to Congress. The report should cover resource conditions, review current programs, and propose new programs and legislation.

4) A Joint Congressional Committee on Resources and Conservation should be established composed of eight Senators and eight Representatives to whom the President's report should be referred.

Many organizations and prominent individuals appeared in support of this bill, as the report of the hearing before the Senate Interior and Insular Affairs Committee shows. But the Administration and Congress, while acknowledging the validity and importance of the objectives of S. 239, show little interest.

Speaking for the Interior Department at the hearing, Mr. Carr, Under Secretary of the Interior, said:

> "... much can be accomplished without formal action of any kind. The Departments of Agriculture and Interior were instructed by the President to resolve conflicts and take advantage of opportunities for coordinated effort. ... Similar coordination can be expected of other departments... The Department of Interior, with a wide range of sometimes conflicting resources responsibilities, is moving toward better internal planning and coordination. ... The entire executive structure in resource administration is being studied. The Administration will make certain that all responsibilities are fully met."

Wetlands

Acquisition — The acquisition of wetlands under the existing program to preserve migratory waterfowl and other wild birds will be accelerated by passage of H.R. 7391 (Magnuson, D., Wash.). (Current Review, No. 2, July 1961, pp. 16-17.) Both houses agreed to an appropriation of $105 million over seven years, repayment without interest to begin in fiscal 1969 when 75 per cent of the annual duck stamp revenues (now about $4.5 to $6 million a year from purchase of a $3.00 stamp required by every hunter wishing to take wild ducks anywhere in the U.S.) would be diverted to the U.S. Treasury. Expenditure is to be through the regular processes of the Migratory Waterfowl Conservation Commission. Approval of the Governor or an appropriate state agency is required before land can be acquired in any state. Although the amount of the loan is less than wildlife organizations consider necessary, the federal funds will "provide a good start" to set aside suitable wetlands before they are drained or used for other purposes.

Halting Drainage Subsidies — In spite of protests that wetland drainage under the Agricultural Conservation Program conflicts with other federal programs in Agriculture and Interior (Current Review, No. 2, July 1961, p. 17), funds for this purpose were appropriated in H.R. 7444, the appropriation bill for the Department of Agriculture for 1962.

Immediately Congressmen Reuss (D., Wis., H.R. 8510), Saylor (R., Pa., H.R. 8511), and Dingell, (D., Mich., H.R. 8512) introduced bills to amend the Soil Conservation and Domestic Allotment Act to prohibit assistance for drainage of wetlands when such drainage will harm wildlife preservation. Congressmen Johnson (D., Wis., H.R. 8520), Zablocki (D., Wis., H.R. 8521), Kastenmeier (D., Wis., H.R. 8522), and Sikes (D., Fla., H.R. 8523) introduced bills with the same aim but a different approach.

On September 12, H.R. 8520 (Johnson, D., Wis.) was passed by the House and referred to the Senate Committee on Agriculture and Forestry. This would, for one year, halt federal subsidies for drainage of wetlands in South Dakota, North Dakota, and Minnesota which the Interior Department seeks to acquire for preservation of waterfowl.

Delaware River Basin Compact

The legislation consenting to the Delaware River Basin Compact was signed by the President on September 27 and became P.L. 87-328. This legislation creates a five-man regional commission consisting of a federal representative, named by the President, and the Governors of the four basin states, Delaware, New Jersey, New York, and Pennsylvania. Each commissioner or his representative is to have one vote. The commission is instructed to adopt and put into operation a comprehensive plan for immediate and long-range development and use of water resources of the Delaware River, including water supply, pollution control, flood protection, watershed management, hydroelectric power, and recreational facilities. No project involving federal funds shall proceed beyond the planning stage unless authorized by an act of Congress.

Presumably to allay the objections of Interior and the Bureau of the Budget as well as to reduce congressional opposition, the House, by voice vote, adopted an amendment by Representative Walter listing 21 conditions governing federal participation in the compact before passage on June 29.

Strong support for the compact came from Senators, Representatives, Mayors, state and municipal agencies, and citizens of the Delaware Basin. At the Senate Public Works hearing, Secretary Udall said that "the urgent need for... planning in an area of mounting congestion outweighed the negative features of the program the four states have been developing" and that "because of the unique conditions, and the failure to produce a workable plan after 25 years of previous efforts, we are accepting participation in the program, piecemeal though it may be." Secretary Udall urged adoption of six key amendments necessary to protect the public interest. Five had been approved by state representatives. The sixth was a proposed amendment providing that all sales of hydroelectric power generated at commission projects would be subject to the preference clauses of existing federal laws.

The version adopted incorporates Secretary Udall's proposals, except for reaffirmation of the preference clause, and requires congressional authorization for projects involving federal funds.

Northeastern Water and Related Land Resources Compact

H.R. 30 (McCormack, D., Mass.) granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact was passed in the House on August 2. A recommittal motion designed to strip the seven federal representatives of voting power and make their positions solely advisory was rejected by a record vote of 139 yeas to 260 nays. Sponsors of the bill had agreed to an amendment which was passed to delete the annual federal payment of $50,000 maximum, which was opposed on the basis that the federal government does not give financial support to other compacts between states.

Although it might seem that this compact would have little difficulty in the Senate in view of the passage of the much more inclusive Delaware Compact, such has not been the case. The fact that the Vermont Senators and one Senator from Maine are not sponsors of the bill puts this proposed legislation in a different position from the Delaware Compact. Senator Aiken, who has great influence in the Senate, is strongly opposed to the compact. As a result, it was not reported out by the Senate Committee on Public Works.

LAST BUT NOT LEAST - THE "BRICKER AMENDMENT" CR!

CR 7: "Opposition to constitutional changes that would limit the existing powers of the Executive and the Congress over foreign relations."

At the end of the League's current string of Continuing Responsibilities, and as the last of our CRs to be reviewed in the Current Review, CR 7 has seemingly become our forgotten CR. Actually, the quiescent status of this CR is more a matter of circumstance than of neglect. Except for sporadic action on Bricker-type amendments in state legislatures during the last few years, the movement to limit the treaty-making powers of the federal government by constitutional amendment has been more or less dormant. As a matter of fact, when delegates to the 1960 national Convention voted to retain this CR, they did so for the expressed purpose of performing a watchdog function, in case the issue should once again become as hot as it was in 1953 and 1954.

However, a watchdog-type CR creates special problems for new members and even presents difficulties for old members who find it hard to remember the intricacies of the crucial debate in the early 1950s over this vital foreign policy issue.

What gave rise in the first place to a movement to amend the Constitution for the purpose of limiting the President's treaty-making powers? How did the name of Senator Bricker come to be attached to this amendment? How, when, and why did the League become involved in this issue? What were the main arguments on both sides? What form have the treaty-making proposals taken in recent years?

How and When the Bricker Amendment Debate Arose

During the early 1950s there was much controversy throughout the country as to whether the federal government's traditional powers to make treaties and executive agreements with foreign governments should or should not be curtailed. In Congress, the leader in the fight to limit the President's treaty-making authority through a constitutional amendment was Senator Bricker (R., Ohio) who along with 58 colleagues had sponsored a resolution to that effect during the second session of the 82nd Congress in 1952. This was in line with a similar proposal made the same year by the American Bar Association's 10-man Committee on Peace and Law through the U.N.

Members of that Committee and others had been aroused by the conventions and other international agreements drafted under the auspices of the United Nations or its Specialized Agencies, including particularly the Genocide Convention, the Human Rights Covenant, the statute for an International Criminal Court, and the International Labor Organization conventions. Such agreements, the Committee on Peace and Law felt, were not proper subjects for international agreements negotiated by the federal government, belonging instead within the jurisdiction of individual states. In addition, the Committee expressed its concern over what it considered to be a trend toward restrictions upon American sovereignty through the President's treaty-making powers and recommended that a constitutional amendment be enacted "for the protection of American rights and for the protection of the American form of government

against the dangers inherent in the many and increasing proposed covenants, pacts and treaties being sponsored by the United Nations and its affiliated agencies."

Although heated but relatively unpublicized hearings were held in 1952 on Senator Bricker's proposed Amendment (S.J.Res. 130), no report was made by the Senate Judiciary Committee to which it had been referred. Consequently, it was reintroduced in slightly modified form (S.J.Res. 1) in the first session of the 83rd Congress (1953), this time with 63 co-sponsors. Hearings again were held but now they were the subject of widespread attention from the public and the press. During these hearings, the Eisenhower Administration was placed on record against restricting the President's treaty-making powers when Secretary of State Dulles testified against the resolution on April 16, 1953.

Development of the League Position

By this time it had become apparent that there were those who favored the resolution as a means of discrediting the United Nations and curtailing U.S. leadership therein. Supporters of the United Nations and those who thought the United States must continue its leadership in international affairs were deeply disturbed by the implications of the resolution, including many members of the League of Women Voters. The problem had been discussed at the national Convention in 1952 and it had been decided that we should study the issues involved in depth, based on the following items in our national Platform as it was then constituted:

> IV (1) Strengthening the United Nations and its Specialized Agencies through increased use, adequate budgets, improved procedures, and provision of adequate powers to keep the peace and stop aggression. (2) International agreements for the limitation of armaments, international control of atomic energy, and collective defense arrangements as steps toward a universal security system. (3) Participation in international agencies to solve common political, economic, and social problems.

By the fall of 1952 the League had taken up study of the proposed Bricker Amendment in earnest. Numerous articles appeared in THE NATIONAL VOTER; discussion outlines were prepared; and pro-and-con bibliographies and special memoranda were distributed. Besides unit meetings, there were many general meetings and debates with outside speakers. In addition, the matter was discussed at Council in 1953 and in the fall of that year regional League conferences were held.

Throughout this period the national Board followed the development of League thinking through personal visits to Leagues, careful reading of League minutes and bulletins, and correspondence. Three times in 1953 - May, October, November - the national Board asked local Leagues to report as to their preparation and views, the final request a reminder that local League preparedness would be considered at the coming Board meeting "to determine whether a League position is warranted."

By January 1954 the national Board was convinced that the weight of League opinion was clearly against interfering with the President's treaty-making powers, and so our position and the reasons for it were made public in the

LAST BUT NOT LEAST - THE "BRICKER AMENDMENT" CR!

CR 7: "Opposition to constitutional changes that would limit the existing powers of the Executive and the Congress over foreign relations."

At the end of the League's current string of Continuing Responsibilities, and as the last of our CRs to be reviewed in the Current Review, CR 7 has seemingly become our forgotten CR. Actually, the quiescent status of this CR is more a matter of circumstance than of neglect. Except for sporadic action on Bricker-type amendments in state legislatures during the last few years, the movement to limit the treaty-making powers of the federal government by constitutional amendment has been more or less dormant. As a matter of fact, when delegates to the 1960 national Convention voted to retain this CR, they did so for the expressed purpose of performing a watchdog function, in case the issue should once again become as hot as it was in 1953 and 1954.

However, a watchdog-type CR creates special problems for new members and even presents difficulties for old members who find it hard to remember the intricacies of the crucial debate in the early 1950s over this vital foreign policy issue.

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form of a letter to the President of the United States on January 13, 1954. On that same day a Time for Action was sent out to all local and state Leagues alerting them to the fact that now was the time to write their Senators.

What Were the Main Arguments on Both Sides?

The controversy which raged over the Bricker Amendment centered around not one but several issues, including such questions as: Are the federal powers over foreign affairs broad or limited? Should treaties be self-executing? Can a line be drawn between questions of domestic and international jurisdiction? Should there be restrictions on executive agreements?

The Bricker Amendment went through a number of stages. The third and most controversial version, S.J.Res. 1 (83rd Congress, 1953), and the one which was most debated, contained three main sections:

"Section 1. A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

"Section 2. A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty.

"Section 3. Congress shall have power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be subject to the limitations imposed on treaties by this article."

Note: The underlined part of Section 2 above became known as the "which" clause.

Here are the main arguments on the four major issues:

Are the federal powers over foreign affairs broad or limited? Proponents of the Bricker Amendment (especially section 1 of the third version) held that it is theoretically possible for a treaty to conflict with and override provisions of the federal Constitution. The proponents argued that the Constitution needed to be amended in order to make it clear that a treaty may not be used to enlarge the powers of the federal government under the Constitution and thus jeopardize the rights of states or individuals. A constitutional amendment is necessary, they said, to guard against this possibility by restricting the federal government's powers in foreign affairs to the same powers it has over domestic affairs.

As evidence, Missouri v. Holland was frequently cited. In that 1920 decision, the Supreme Court upheld the constitutionality of an act of Congress which implemented a treaty providing for the regulation of migratory birds against the allegation by the state of Missouri that this legislation infringed the powers reserved to the states by the Tenth Amendment.* In handing down its decision the Supreme Court said that this treaty was within the treaty-making power delegated under the Constitution, that the implementing act of Congress was within its legislative power, and that the Tenth Admendment by its very terms did not limit a proper exercise of a delegated federal power.

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* "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Article X)

Those who opposed amending the Constitution maintained that the fears that a treaty could override the Constitution and state laws were groundless. The Section of International and Comparative Law Committee of the American Bar Association stated in 1953 that "Missouri v. Holland did not inaugurate a new doctrine giving 'treaty-law' supremacy over the Constitution.... It does not stand, in particular, for any suggestion that the government can alter or abridge substantive individual rights which are protected by the Bill of Rights" (as was frequently contended by the Bricker Amendment proponents). In any event, no President has ever made a treaty which has been held to conflict with the Constitution although between 1789 and 1953 (a period of 164 years) the United States negotiated approximately 1,200 treaties - 214 of which the Senate approved with reservations or understandings and 130 of which it rejected. The Committee went on to say that "while the Supreme Court has never had occasion to hold a treaty or an executive agreement invalid, it has several times indicated that a treaty provision conflicting with the Constitution would not be given effect as domestic law."

There are also a number of additional safeguards. Before a treaty can take effect after being negotiated by the President, it must go to the Senate for ratification where a two-thirds majority of those present and voting must approve the treaty. And, since a single political party rarely commands such a two-thirds majority, this means that a treaty must have bipartisan support if it is to be ratified. It takes only one-third of those present and voting to scuttle it. If the Senate does not like the way a particular treaty is written it can attach reservations or even amendments. Reservations may specify certain interpretations, limitations, or conditions and must be accepted by the other signatories; however, they usually do not require that the treaty be renegotiated. Amendments, on the other hand, do require renegotiation because they are textual changes in the treaty. On occasion the Senate has been known to, in effect, kill a treaty not to its liking simply by attaching unacceptable amendments rather than by rejecting it outright. Furthermore, many treaties must be carried out through legislation and when Congress comes to vote funds for a treaty's administration that body has another chance to pass upon its merits. If a treaty is found to be unsatisfactory, in whole or in part, it can be modified or even repudiated by law.

Should treaties be self-executing? Bricker Amendment supporters urged that the Constitution should be amended to require that before a treaty becomes valid it must be re-enacted by Congress. (Section 2 of third version). The proponents of this amendment believed it necessary because of Articles 55 and 56 of the U.N. Charter which deal with international economic and social cooperation and human rights. A leading proponent, Frank Holman, a past president of the American Bar Association, maintained that this amendment was necessary to "indicate in language too clear to be misunderstood that no provision of a treaty is to be given any judicial consideration or effect unless it has been implemented by act of Congress, which in turn is enacted within the delegated power of the Congress."

Opponents to the amendment argued that it would result in repudiation of the treaty-making arrangements written into the Constitution and substitute arrangements that were considered and rejected by its framers. As one critic put it, it "would give us the most cumbersome treaty-making procedure in the world." It would introduce intolerable delays and complications in the treaty-making process. To the two steps presently required - negotiation by the President and ratification by the Senate - it would add three more: enactment by the House, re-enactment by the Senate, and the approval of the President who, by that time, may be a different President.

Can a line be drawn between questions of domestic and international jurisdiction? This was one of the most controversial questions involved in the entire debate. The issue was embodied in the second part of Section 2, the famous "which" clause -- "which would be valid in the absence of treaty."

Proponents claimed that all matters not delegated to Congress but reserved to the states are domestic; therefore, there should be no treaty -- and no law by Congress to carry out a treaty -- on any matter within the jurisdiction of the state governments. They would, in effect, require the legislatures of each of the (then) 48 states to approve any treaty which dealt with matters within the reserved powers of the states. A leading advocate of the "which" clause, Alfred Schweppe, chairman of the Committee on Peace and Law of the American Bar Association, stated that with its enactment "the balance between state and federal power will stay as it is, unless changed by constitutional amendment. The federal government will not have greater power by virtue of having ratified a treaty and the states will not have less power...."

Opponents of the "which" clause maintained that it would have the effect of weakening the federal government's power to make treaties affecting those matters which, in domestic affairs, are normally within the jurisdiction of the states. Over 30 per cent of our treaties concern matters of this sort and through such treaties our government has been able to work with other nations to control narcotic traffic, gain local commercial rights for our citizens abroad, prevent our citizens from being subject to double taxation, permit extradition of criminals wanted for trial abroad and the like. The passage of this amendment would mean a return to the chaotic conditions which existed under the Articles of Confederation because individual states would be able to defy the terms of many important types of treaties. All they would have to do would be to refuse to pass the required legislation -- in other words, the effectiveness of treaties on many subjects appropriate for international agreement would depend entirely upon the whim of the legislatures of the (then) 48 states. And of course a treaty which would require the concurrence of all 48 states would be no treaty at all. Under these circumstances foreign nations would not be inclined to take the trouble to negotiate a treaty with the United States; henceforth the federal government would no longer be able to deal on equal terms with other nations.

Should there be restrictions on executive agreements? Senator Bricker said the Congress "ought to be able to lay down the rules under which the President acts in negotiating executive agreements. The Congress can be trusted as well as the President, and I think in recent years better trusted to protect the interest of the American people." Another Senator agreed, saying that he wanted section 3 because -- "the Presidents have made executive agreements, and we could not find out about them until months and months afterward. Congress was not notified about them. This section... will tend to remedy that."

Opponents pointed out that granting Congress the power to regulate executive agreements would destroy the doctrine of the separation of powers between the Executive and the Congress because it would give Congress, not the President, the responsibility for the day-to-day conduct of our foreign relations. It would have the effect of placing the conduct of our foreign affairs in a strait jacket; would deprive the President of his long-established rights to act on behalf of the country in routine as well as urgent matters of foreign affairs; and would keep him from acting quickly in case of emergencies. He might, in fact, be forced to wait for the result of congressional debate

before he could take action in many cases. It also was suggested that this section would have a serious effect on the continuation of the Reciprocal Trade Agreements program because it would probably be necessary under its terms for every trade agreement negotiated to have to go back again to Congress for specific approval.

The Trials and Tribulations of the Bricker Amendment

Floor debate on the Bricker Amendment and substitute measures began on January 27, 1954 and lasted a month. After the dust had settled, on February 26, the original Bricker Amendment and all substitute or compromise amendments appeared to have been defeated, 60 to 31 -- one vote less than the two-thirds required for passage of proposed constitutional amendments.

Development of the congressional debate was highly complex and much of it consisted of off-the-floor negotiations. This is illustrated by the fact that neither Senator Bricker's Amendment, as recommended by the Senate Judiciary Committee, nor a substitute proposed by Senator Knowland (R., Calif.), majority leader, was directly voted upon. They were considered in a piecemeal fashion only, as their original provisions were amended and incorporated in a series of substitute proposals.

Apparently most Senators had become convinced early in the debate that Senator Bricker's proposals with respect to treaties were too restrictive and would seriously obstruct the conduct of foreign policy. Opponents to the amendment centered their attack on the so-called "which" clause and it was abandoned without being brought to a clear-cut vote. Original supporters of the Bricker Amendment switched votes at various times and in the end Senator Bricker voted for a substitute amendment proposed by Senator George (D., Ga.). (See March 1, 1954 NATIONAL VOTER for details.)

Almost a year after the fourth version of the Bricker Amendment (i.e., the one sponsored by Senator George, D., Ga.) had been defeated, Senator Bricker introduced a fifth version, S.J. Res. 1, on January 6, 1955. The Subcommittee on Constitutional Rights of the Senate Judiciary Committee held hearings and reported out a new version but no action was taken by the full Committee during the remainder of the first session of the 84th Congress. On March 3, 1956, Senator Dirksen (R., Ill.) presented a new version (the sixth) of the amendment and this time it was reported favorably by the Senate Judiciary Committee without having held hearings. However, it died with the 84th Congress. A seventh version (S.J. Res. 3) was introduced by Senator Bricker in 1957 but nothing came of it.

Since Senator Bricker's failure to be reelected to the Senate in 1958, Senator Dirksen (R., Ill.) has consistently proposed amendments stipulating that a provision of a treaty or other international agreement which conflicts with any provision of the Constitution shall not be of any force or effect and that roll call votes shall be required when the Senate considers the ratification of any treaty. In another area, supporters of the Bricker Amendment have been active in recent years in several states trying to obtain passage of resolutions in state legislatures memorializing Congress to pass some version of the Bricker Amendment. Currently this activity is being sponsored by the same group that is seeking similar resolutions concerning the 25 per cent tax limitation.

Continuing League Position

League opposition to the concepts expressed in the several versions of the proposed amendment to limit the President's treaty-making power has continued as a CR since 1956. Although the national Board recommended the deletion of this CR in 1960, because of lack of opportunity for effective action, the 1960 Convention voted to retain it.

Our five-point position on treaty-making powers reads as follows:

1. The power of the national government to conduct foreign relations must be maintained as provided in the Constitution. The Bricker Amendment would deprive the national government of its full power to carry out treaty obligations in important areas of national policy and would leave to the states the choice of implementation.

2. The constitutional system of checks and balances between the executive and legislative branches of the national government must be safeguarded. The Bricker Amendment would alter the traditional concept of the balance of powers by removing functions from the Executive and transferring them to the Congress. It is essential that the President retain his authority to fulfill his constitutional responsibility to act in times of national emergency as well as in the day-to-day conduct of foreign affairs.

3. The negotiation and ratification of treaties should not be made more cumbersome. The Bricker Amendment would hamper our present treaty-making procedure, already surrounded by constitutional and legislative safeguards, by adding steps which would cast doubt on the ability and willingness of the United States to carry out its international obligations.

4. The interests of the United States are best served by a foreign policy based on the principle of international cooperation. The Bricker Amendment would impair this principle. It is based on fears that the U.N. Charter and other international agreements could invade our constitutionally protected individual and states rights. The League of Women Voters does not share this fear.

5. The Constitution should be amended only when need is clearly shown. This need has not been established.

Despite the dormancy of the treaty-making issue at the moment, the principles involved remain the same. Here is a succinct summary of these principles, excerpted from testimony given by a former Director of the League of Women Voters of the United States, Mrs. Oscar Ruebhausen, when she appeared before a Senate Judiciary Subcommittee which was holding hearings on a proposed Bricker Amendment in 1955:

> We firmly believe that the world is so interdependent that the policies and actions of other countries affect our own destiny. The converse is also true. Consequently, it is imperative that the United States work out solutions to problems with other nations for the common good of all.

The proposed Bricker Amendment strikes at the very heart of the principle of international cooperation. It is based on fears that the U.N. Charter and other international treaties might invade the powers of the states and the rights of individuals. The League of Women Voters does not share this fear. In fact, we deplore the practice of some who distort the purposes and functions of international organizations and agreements so as to make them appear contrary to fundamental ideals and interests shared by American citizens.

Too often the United Nations and other agencies are portrayed as controlling the actions of the United States whereas we know that the United States maintains control over its own decisions regarding its foreign policy and its internal affairs. The United Nations should be supported and our citizens should give their attention to ways in which it may be made more effective to carry out its purposes. The United Nations should not be made to seem what it is not -- an organization damned either as being too weak to do anything or so powerful that we have lost all our independence as a nation.

Current Review of Continuing Responsibilities

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES [redacted]

No. 4, DECEMBER 1962
Price 25¢

FOR CR CHAIRMEN AND THEIR COMMITTEES

INTRODUCTION

This League publication for local and state League leaders, for committees responsible for CRs, has a dual aim, as its name implies. Material is in part "current" to help those familiar with national CRs keep up to date; it is also in part "review," to help those who have boarded that famous League moving train at a late station.

To be a useful tool, the CURRENT REVIEW OF CONTINUING RESPONSIBILITIES must be used with the following League publications available from the national office and recently mailed to each local and state League:

- NATIONAL CONTINUING RESPONSIBILITIES 1962-1964 (35¢) a 48-page, every-member pamphlet which relates the CRs to the total League Program and to each other, evokes the climate of opinion that led to adoption of each topic as a CA, recalls the questions studied, gives League position, and reviews action taken.

- NATIONAL CRs BIBLIOGRAPHY 1962 (25¢) which explains the kind of League material available on national CRs and for each CR lists specific references to look for in the files of your League. The Publications Catalog tells which pamphlets and articles are still available from the national office.

- MEMORANDUM of December 3 from Mrs. Phillips suggesting how the every-member pamphlet might be used.

- GUIDE FOR PLANNING FOR LOCAL AND STATE BOARDS (40¢) the National Board Report issued after each national Board meeting. The "Outlook for Work" on Continuing Responsibilities reviews developments since the last Board meeting and outlines opportunities for future action.

PRESSURES TO REVISE THE INDUSTRIAL SECURITY PROGRAM

Support of standardized procedures, "common sense" judgment, and greatest possible protection for the individual under the federal loyalty-security programs; opposition to extension of such programs to nonsensitive positions.

Until the past few months, there had been relatively little activitiy on the industrial security front since President Eisenhower's Executive Order of February 20, 1960, which established the present Industrial Security Program. But late last spring the Un-American Activities Committee of the House of Representatives suddenly reported a bill to amend the Internal Security Act of 1950 by establishing an Industrial Security Program covering defense contractors and their employees.

The Committee had held hearings on March 15, 1962, on short notice and only the Departments of Defense, Justice, and Labor were invited to testify. In the course of the summer a number of attempts were made to pass the bill on the Consent Calendar. Representative Lindsay (R., N.Y.) on one occasion provided the single objection necessary to block the attempt. Two other times he was joined by Representatives Ryan (D., N.Y.), Roosevelt (D., Calif.), and Reuss (D., Wis.). On September 19 the bill was again brought to the floor, this time under a suspension-of-the-rules procedure. Suspension of the rules, which is normally only used in the case of noncontroversial bills, limits debate to 40 minutes, prohibits any amendments, and requires a two-thirds majority to pass the bill. Joined by Representatives Curtis (R., Mo.), MacGregor (R., Minn.), and Cohelan (D., Calif.) the early opponents led the successful fight for rejection of the bill. While a majority of 247 yeas to 132 nays voted in favor of suspension of the rules and passage of the bill, the necessary two-thirds majority was lacking, and the bill was killed for the 87th Session of Congress.

Reasons for Opposition — Opposition to the bill stemmed from criticisms of both the substance of the proposed program and the tactics used to secure its passage. Representative Lindsay and other opponents were vehement in their criticisms of the bill, particularly those aspects (discussed below) involving due process procedures. They argued further that any program, such as that on industrial security, which affects vast numbers of nongovernmental employees in industry, universities, and other institutions should receive the careful attention of Congress and not be pushed through hurriedly under an unorthodox procedure prohibiting full debate and amendments.

Background -- The Current Industrial Security Program*

When the Executive Order revising the industrial security procedures was signed in 1960, it was generally felt, by those concerned with improved procedures for the protection of the individual, to be a step forward. The order, which was executed in response to the Supreme Court's decision in Greene v. McElroy (1959), made it a general rule that anyone covered by the program has a right to confront

* See Current Review of Continuing Responsibilities, No. 2, July 1961, p. 7, and National Continuing Responsibilities 1962-1964, pp. 20-21.

and cross-examine his accusers. While there were criticisms of the program, particularly with reference to the broad wording of the criteria used in determining exceptions to the rule, the emphasis of the Executive Order seemed to be on protecting the interests of the individual against any unwarranted encroachment.

Substance of the Bill Reported in 1962 by the House Un-American Activities Committee

Coverage — The bill provides that the Secretary of Defense may prescribe uniform regulations he considers necessary to protect classified information released to or within industrial, educational, or research organizations, including procedures for authorizing access to classified information. The program has for a long time covered employees of such institutions, but the extent of classified operations outside the government has expanded over the years.

Due Process Procedures — With significant exceptions, a person employed in industry whose employment involves access to classified information may not have his authorization for such access finally denied or revoked unless he has been given: 1) a written statement of the charges against him as comprehensive and as detailed as the national security will permit; 2) an opportunity for a hearing where he may present evidence in his own behalf; 3) a reasonable time to prepare for the hearing; 4) the right to counsel; 5) a written notice advising him of final action; 6) an opportunity to inspect any documentary evidence or cross-examine any witness providing adverse information upon which the Secretary may rely in reaching a final determination of the case.

Exceptions — None of these procedures apply in cases where the Secretary personally determines that employment of such procedures is inconsistent with the national security. In that event the Secretary will personally determine whether to deny or revoke authorization for access to classified information. This provision also exists in the Executive Order, but the Order further explicitly provides that this authority of the Secretary may not be delegated.

Under the bill, the opportunity to cross-examine informants would be denied if the informant is one 1) who is identified but who is physically unable to appear because of "death, illness, or similar cause"; 2) who cannot, for reasons determined by the Secretary to be good and sufficient, be either identified or cross-examined; or 3) whose identity cannot be revealed, in the judgment of the head of the Department supplying such informant, without substantial harm to the national interest.

Representative Roosevelt made the following comments about this section of the bill: "an informant need not be identified or cross-examined for reasons deemed by the Secretary to be good and sufficient. Why are these reasons not spelled out in more detail in the bill and in the committee report? What standards are to be followed by the Secretary in making this determination? Why is it necessary the Secretary have this power with respect to casual informants? ... It is essential to point out that confrontation and cross-examination are not only techniques of procedure to safeguard constitutional rights but they are methods of seeking truth and only in circumstances of direct necessity should they be abandoned."

Provisions of Executive Order Omitted in Bill

The first and second exceptions to the general rule of confrontation are identical to those in the Executive Order, but the Order uses significantly different wording with respect to the third exception. The bill omits a phrase requiring the Department head to certify "that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the government." The bill, therefore, would seem to blur the current distinction between casual informants and those engaged in intelligence operations.

The bill does not contain a provision of the Executive Order which explicitly states that in cases when opportunity to cross-examine is denied "appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and a final determination adverse to the applicant shall be made only by the head of the department based on his personal review of the case." This omission would seem both to make the rules of evidence less precise than they currently are and to make final determination by the Secretary of Defense merely permissive. In this connection it should be noted that one major criticism of the bill is that it lacks explicit provision for appeal.

Other Provisions of the Bill

The bill would give the Secretary of Defense discretionary power to subpoena witnesses, to pay the expenses of witnesses called by the applicant for access, and to reimburse loss in earnings resulting from the suspension, revocation, or denial of an authorization for access. Nothing in the bill compels the Secretary to reimburse lost earnings even in cases where the applicant is cleared.

General Comments

Representative Walter (D., Pa.) and other sponsors of the bill argue that the proposed legislation is no more than congressional enactment of the program currently operating under Executive Order. Needless to say those who object to some of the vagueness in the present program object to the proposed bill. They question the indefiniteness of some of the definitions and the lack of standards of pertinency to be followed at hearings; they wonder how it is possible to decide such points as when access authorization is clearly consistent with the national interest. In any case, there does seem to be some qualitative difference between the Executive Order and the bill proposed by the House Un-American Activities Committee. This difference is suggested both by variations in individual provisions and by general phrasing. The Executive Order seems to reflect a concern for individual rights which is not contained in the wording of the 1962 bill.

The Future

It is expected that a similar bill will be introduced in the 88th Congress (1963-64). Its sponsors may choose to use more orthodox legislative procedures which require only a simple majority for passage. If the cold war should intensify, support may increase for loyalty-security programs restricting individual rights. It is at such times of crisis that groups concerned with civil liberties must be particularly alert to do what they can to defend them.

DISTRICT OF COLUMBIA SELF-GOVERNMENT: NEW CONGRESS HOLDS HOPE FOR NEW APPROACH

Support of self-government and representation in Congress for citizens of the District of Columbia.

The House of Representatives has had no chance in the 20th century to vote on whether or not the District of Columbia, the step-child of Congress, should be given the responsibility of governing itself through locally elected officials.

In almost every Congress for the last 24 years, bills have been introduced providing some measure of home rule for the District. The Senate has passed District home rule bills five times, in five different Congresses. But the House Committee on the District of Columbia has been consistently opposed to the idea of home rule in the District. Once, in 1948, a bill did emerge briefly from this Committee, but it was reported very late in the session and was never brought to a vote on the floor.

Changing House Rules Could Provide a Solution

There are many Representatives who would like to be relieved of their duties as city councilmen for the District and who believe that most of the District's problems should and could be the responsibility of local citizens. Some of these men have proposed that the House Rules, which are adopted at the beginning of each new Congress, be changed so that any member of the House District of Columbia Committee could call a District home rule bill to the floor for debate and vote on any District Day. (Two days in each month are set aside in the House for consideration of legislation dealing with District affairs.)

Ten resolutions proposing this change were introduced by the following House Members and sent to the Rules Committee late in the last session:

Democrats	Republicans
Jeffrey Cohelan, California*	Silvio Conte, Massachusetts
Edith Green, Oregon	John Lindsay, New York
Abraham Multer, New York*	Richard Schweiker, Pennsylvania
Henry Reuss, Wisconsin	Fred Schwengel, Iowa
Morris Udall, Arizona	William Widnall, New Jersey

*Representatives Multer and Cohelan are members of the House District Committee.

The chairman of the Rules Committee, Rep. Howard W. Smith (D., Va.) and a majority of the Committee members are not friendly to the idea of District home rule, and the resolutions were tabled.

How a Change Could Be Made in the House Rules

The sponsors of the resolutions have served notice that they will attempt to make this change in the House Rules by amendment from the floor when the Rules of the House come up for adoption on January 9 or 10, 1963. This can be done if the House agrees to consider amending the version of its Rules which the Rules Committee will submit. The crucial vote may come on the motion to cut off debate and accept the Rules as reported (the motion will of course be "the previous question"). If the previous question is voted down, amendments will be in order.

A member of the group sponsoring the Rules change declares that League support of the proposal could be the deciding factor in its success. He based this declaration of confidence on his own experience with League lobbying.

What the Leagues Can Do

Local Leagues have been asked to urge their Representatives, before they come to Washington in January, to vote for the Rules change using the opportunity provided by the usual fall congressional delegation interviews. The League can do an especially useful service if the importance of this issue can be explained during these interviews to the 65 newly elected Members of the House. Reminding re-elected Members that the change in the Rules would bring the District home rule issue to the floor, to be voted either up or down, is necessary too, for some of them may not have heard about the proposed Rules change. Many who might vote against a home rule bill would be glad to see the House face the issue squarely.

If the proposed Rules change is accepted the national Board will consider issuing a Time for Action before a home rule bill reaches the floor.

House District Committee is Home Rule Roadblock

To understand why the House District Committee has been such a Berlin Wall on D. C. home rule it is necessary to take a look at the composition of the Committee. For years the Chairman and nine of the members have been southerners with deep misgivings about the rise in Negro population in the District. Some other members, enough to constitute a Committee majority when added to the southern Democrats, seem to be satisfied with the status quo. Some business interests in the District have long had a working arrangement with this internal bipartisan majority and are listened to on most District affairs. The Committee cooperates in many ways with this group of substantial citizens. This is hardly a democratic way to administer a large city with a growing population and all the problems involved in providing essential services. The fact that Congress generously provides for a larger and larger police force but continues to disregard the need for more classrooms and more teachers seems to indicate that the present system is not working for the best interest of all District citizens.

Here is an illustration of what can and does happen in the District: Back in 1956 it was pointed out to Congress that juvenile delinquency in the District had become a major problem and that the backlog of cases before the one judge of the Juvenile Court was so immense that it would take years for the Court to hear all the cases then on the docket. It was proposed to increase the number of judges so that the process of dealing with juvenile offenders could be speeded up. Bills to this effect were introduced, hearings were held, the evidence of need was clearly shown, but the House District Committee failed to act. In 1957, '58, '59, and '60 the same evidence, only more of it, continued to pile up -- still no judges. By February 1962, the Juvenile Court had a backlog of 2300 cases.

Then in 1961 Judge Davis introduced his own bill which would have eliminated the special children's court by making it a branch of the Municipal Court and reducing its age jurisdiction from 18 to 16. This bill did not come to debate in 1961 but was carried over to the second session of the 87th Congress.

This threat to the juvenile court system aroused the ire of District citizens and a united effort was mounted to defeat this bill. It took a lot of doing.

The strategy finally agreed on was to try to substitute a Senate-passed bill, adding two judges to the Court, for the Davis bill when it came to the House floor. Word of this plan, to which many prominent community leaders had agreed, was passed along to any and every group having influence on the Hill. Some of you may remember that you received letters from the League of Women Voters of the District of Columbia early in 1962 asking you, as an individual, to write your Representative about the Court bill.

Even this effort might have failed but for one lucky circumstance -- Judge Davis insisted on bringing up his bill on a Monday, the day when the fewest number of Representatives usually attend House sessions. But the Monday on which he called up the bill was the day that astronaut Lt. Col. John H. Glenn, Jr., came to Capitol Hill after his successful orbital flight. His appearance brought so many Members to the floor that when the vote on the substitute, two-judge Juvenile Court bill was taken it passed easily by 222 yeas, 142 nays.

After six long years of an inadequate apparatus for coping with the increasing delinquency problem, the District now has a three-judge Juvenile Court.

Committee Membership Changes Might Make a Difference

Five vacancies were created on the District Committee by the 1962 elections. Two of the Committee not re-elected were members of the southern bloc.

Why Discharge Petitions Fail

Several times over the years petitions to discharge a home rule bill from the Committee have been filed. The House Rules provide that if a majority of Members of the House sign such a petition the bill in question must be brought up on the floor for consideration. While this is, therefore, a perfectly legitimate procedure, it is an unpopular one within the House. Some members believe that use of the petition to bypass a Committee weakens the Committee system. Senior members of Committees, in particular, hesitate to sign, for they fear a loss of their authority to influence the course of legislation through the lessening of their power in Committee if the petition's use should become a general practice. Opponents of the particular legislation of course will not sign.

No one is more aware of the difficulty of getting names to discharge petitions than a member of the League of Women Voters who has tried to convince her own Congressman that it would be a GOOD THING in relation to District home rule.

The Big IF

IF the change in the House Rules is adopted, IF new members of the House District Committee are more sympathetic toward local government for the District, perhaps the House will this year have an

opportunity to consider whether District citizens should take over the responsibility for running their city. Until after the House meets, makes Committee assignments, and adopts its Rules we cannot tell you what prospects are ahead for this Continuing Responsibility.

Continued in our Next

We sign off with the promise that there will be more anon.

LIMITATION ON TAX RATES: LIMITATION ON GOVERNMENT?

Opposition to constitutional limitation on tax rates.

Opposition to constitutional changes that would limit the existing powers of the Executive and the Congress over foreign relations.

As state legislatures convene, pressure groups will be striving to convince state legislators to vote for a resolution calling for a constitutional amendment to repeal the federal income tax and limit the treaty-making power of the President. The League of Women Voters of the United States opposes this package resolution.

In sections on tax rates and treaty making, the new, every-member League pamphlet, NATIONAL CONTINUING RESPONSIBILITIES 1962-1964, sets forth the basis for League opposition to the package proposal and explains how the League reached these positions. In brief, while the CR neither supports nor opposes any specific federal income tax rate, the CR does oppose the rigidity of tax rates limitation set by constitutional amendment. The League of Women Voters thinks that changes in taxation should be made by congressional decision in relation to current fiscal requirements and current economic conditions. The League of Women Voters opposes placing the suggested additional limitation on the treaty-making powers of the President. This change would alter the balance of power between the Executive and Congress and, the League concluded, would be unworkable and unsafe.

The League does not expect any section of the package proposal to become a constitutional amendment. The greatest effect of state legislatures' support of the resolution may be to inform Congress and the Executive of dissatisfaction with present taxes. It will be unfortunate if the package proposal for constitutional amendment diverts people from thoughtful consideration of tax problems and of less extreme proposals for tax reform.

History of the Proposal to Amend or Repeal the 16th Amendment*

25 percent Maximum Rate — The movement for a tax limitation amendment started when a resolution proposing a 25 percent limitation on income tax rates was introduced in Congress on June 15, 1938 (H.J. Res. 722). In the quarter century following, no congressional support developed for any bills introduced to limit federal income tax rates. In order to bring pressure on Congress, supporters of tax rate limitation by constitutional amendment turned their attention to the alternative method authorized by Article V of the Constitution:

> Congress "...on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments..."

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*See also National Continuing Responsibilities 1962-1964, pp. 29-30.

Wyoming, in 1939, was the first state to adopt a resolution calling for a constitutional amendment to limit the federal income tax to a 25 percent maximum. Since then 31 or 32 different states passed such resolutions in various forms; six of these states passed the resolution twice at different sessions of the legislature. Thirteen state legislatures rescinded their earlier action and four legislatures passed the resolution again after rescission. In three states the Governor vetoed the legislature's action. The legality of gubernatorial veto of a resolution for constitutional amendment has not been tested in the courts, nor is the legality of rescinding such a resolution clear.

The wording of state memorials differed. Some asked Congress to call a convention to propose the amendment, some simply urged Congress to pass the amendment and send it to the states for ratification. Some resolutions specified a 25 percent limitation while others stated no maximum but asked Congress to submit to the legislatures an amendment limiting congressional power to tax and fixing a maximum rate for income, inheritance, and gift taxes. Differences between resolutions increased uncertainty about their binding effect on Congress.

Complete Abolition — Bills for complete repeal of the federal income tax were introduced in Congress by Rep. Ralph Gwinn (R., N.Y.) in 1952, 1953, and 1957, by Rep. Clare Hoffman (R., Mich.) in 1957, and by Rep. James Utt (R., Calif.) in 1959 (H.J. Res. 23), and others. A good many pages in the Congressional Record were filled with discussion of this proposal, but Congress showed no interest.

Meanwhile, pressure groups mounted an organized campaign to persuade state legislatures to pass identical resolutions petitioning Congress to repeal the federal income tax amendment and to propose a package resolution to the people or call a convention for that purpose.

Within a relatively short time, five state legislatures passed the package resolution and forwarded their request to Congress -- Wyoming and Texas in 1959, Nevada and Louisiana in 1960, and South Carolina in 1962. Georgia is reported to have approved the resolution in February 1962, but presentation of the memorial has not been reported in the Congressional Record.

The resolution has come within a few votes of passing several other legislatures. In 1961 the Colorado Senate voted 19 to 18 against it with the Lieutenant Governor breaking the tie. The proposal was held up in committee in the Colorado House. In the same year the South Dakota House passed the resolution by a vote of 49-19 with only one hour of debate. In the South Dakota Senate, where the resolution was debated with considerable newspaper publicity, the measure was tabled. On February 4 the Sioux Falls (S.D.) Argus-Leader began a story on the federal income tax resolution with these words, "What started out as something people joked about could develop into one of the big partisan battles in the 37th South Dakota Legislature," a prophecy which proved accurate. In North Dakota, the House passed the resolution 57 to 53, but the Senate defeated it three days later, 34-14, after what was described as "the longest and most bitter legislative maneuvering of the session." Let's see what the suggested amendment proposes to do.

What the Package Amendment* Proposes

Abolish the Federal Income Tax

One section of the resolution which state legislatures have considered in the last four years reads:

> Section 4. "Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal income, estates, and/or gifts."

Repeal of the 16th Amendment would do away with the only tax the federal government is permitted to levy with a graduated rate. The principle of progressive taxation** (i.e., tax percentage imposed in any individual case increases by a certain amount with given increases in amount of income or wealth), won after long and grinding struggle, was made legal by the 16th Amendment.

The chief direct beneficiaries of income tax repeal would be individuals (and possibly corporations) with large amounts of taxable income and the heirs and donees of large estates. The burden of taxes levied in place of income tax could be expected to fall heaviest on those of lesser means.

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* A simple name for the resolution under discussion would be convenient, but difficulties have arisen over what term to use. For a time, proponents of repeal of income taxes referred to their proposal as the "23rd Amendment." Ratification of the resolution giving the District of Columbia representation in the Electoral College (1961) gave the U.S. Constitution its 23rd Amendment.

Advocates of income tax repeal by constitutional amendment now use the term "Liberty Amendment" for the proposal to repeal the income tax, take the U. S. government out of business, ban some foreign and domestic agreements. The League of Women Voters has carefully avoided using "Liberty Amendment" as the name for a proposal which the League sees in less flattering terms. Although League brevity will be replaced by circumlocution, the neutral term "package proposal" will be used instead of the more emotional and flattering designation.

** For many years League interest in taxation sprang from a desire to secure adequate revenue for services in which the League had become interested. One of the earliest Program items, "Reform of tax systems to provide adequate revenue for essential services through an equitable distribution of the tax burden," led to a League position of support for a system of progressive taxation based on ability to pay.

League of Women Voters of the United States, The Program Record, Pub. 231, October 1955, pp. 19-20.

League of Women Voters of the United States, National Continuing Responsibilities 1962-1964, Pub. 285, November 1962, pp. 32-34.

The effect of the package proposal on corporation income taxes is not clear. Some people have construed Section 4 of the package proposal to include only real, or human, persons. Others have construed the proposal to mean elimination of all income taxes, on corporate persons as well as real persons. It should be remembered that corporations are treated as persons in the eyes of the law. For example, the prohibition on deprivation of "any person of life, liberty, or property without due process of law" set forth in the 14th Amendment has been specifically applied to corporations by the U.S. Supreme Court. Cases claiming relief from corporation income tax would surely be brought before the courts if Section 4 of the package proposal became federal law.

Uncertainty about court rulings on application of income tax repeal to corporations is not mentioned by advocates of the package proposal. This uncertainty has been stated plainly by the staff of the Joint Economic Committee of the U.S. Senate and House: "It is not clear from the language in Section 4 whether this proscription would apply to taxation of corporate as well as individual incomes."*

Get the Government Out of Business

The package proposal, if adopted, would prohibit the federal government from engaging in many activities which the public has come to take for granted. The proposed amendment reads:

> "Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution.
>
> "Section 3. The activities of the U.S. Government which violate the intent and purpose of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold."

The heart of the argument that elimination of the income tax is feasible lies in three assumptions:

1) If federal enterprises not specified as such in the Constitution were ended or their operation turned over to private enterprise, the cost of government would be cut in half.

2) If revenue from the sale of federal properties and facilities to private enterprise were applied to the public debt, the debt would be so reduced that annual savings in interest and amortization would be substantial.

3) If money now paid in federal income tax remained with individuals, this greater purchasing power would create a business boom which would enable the business community to pay increased corporate and excise taxes. Revenue would also come from taxes on industrial capacity formerly in the hands of federal agencies but under the amendment returned to private enterprise.

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* 87th Congress, 1st Session, Senate Doc. 5, "The Proposed 23rd Amendment to the Constitution Which Provides That Congress Shall Have Power To Collect Taxes on Incomes," January 10, 1961, p. 8.

Proponents of the package proposal advocate that "700 federal corporate activities which carry on business-type activities"* be eliminated or transferred to private industry. Although this list of 700 is mentioned frequently in material issued by organizations supporting the package proposal, no complete list has been available to the national office of the League of Women Voters.

The Organization to Repeal Federal Income Taxes (ORFIT) and the American Progress Foundation included these names in a list of 31 of the 700:

Patent Office
Soil Conservation Service
Tennessee Valley Authority
School Lunch Program
Urban Renewal
Maritime Administration
Rural Electrification Administration
Island Trading Co. of Micronesia
Eskimo Dwellings
Small Business Administration
Export-Import Bank
Bonneville Power Administration
Farmers Home Administration
Federal Crop Insurance Corporation

Other government enterprises listed among the 700 are:

Federal Land Bank
Indian Claims Commission
National Park Service
Veterans Administration
Commodity Credit Corporation
Social Security Administration
Public Power Dams
Security and Exchange Commission

According to newspaper reports, others among the 700 enterprises to be abolished are:

Bureau of Indian Affairs
Bureau of Labor Standards
Bureau of Public Roads
Federal Power Commission
Central Intelligence Agency
Civil Aeronautics Administration
Corps of Engineers
National Labor Relations Board

Listed also for elimination is U.S. participation in a number of international programs; among them are:

GATT
ICA (now AID)
Inter-American Highway
International Civil Aviation Organization
International Court of Justice
International Labor Organization
International Monetary Fund
International Refugee Organization
International Trade Organization
NATO (cartel operations)
Organization of American States
UNESCO
World Health Organization
World Bank
U.N. Food & Agriculture Organization
UNICEF
U.N. Agency for Palestine Refugees in the Near East

Even this small sample of the "700 corporations" is apt to give thoughtful individuals pause.

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* Stone, Willis, Testimony before a Committee of the South Carolina Legislature, reported in the Congressional Record, 87th Congress, 2nd Session, March 15, 1962, p. 3957.

When the North Dakota House passed the package resolution, the North Dakota Union Farmer (vol. 7, no. 4, February 25, 1961, p. 3) vividly questioned the proposal's merits:

> "For how much would you want to sell the U.S. Department of Agriculture? What price would Yellowstone Park bring? Can you find a private business to carry out the intricate operations of this nation's international spy network, the Central Intelligence Agency?
>
> "How about the handling of such proposed reclamation projects under the Bureau of Reclamation as the Garrison Diversion project? Would our country's banking system be depression-proof if the Federal Deposit Insurance Corporation were liquidated? Can freedom survive if American participation in NATO, the UN, and other international agencies were stopped? Is it worth having regulatory agencies serving in the public's interest?"

Limit Foreign and Domestic Agreements

Section 2 of the proposed package Amendment reads:

> "The Constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment."

It is hard to say what this means; probably it can mean anything a spokesman wants. Proponents are obviously opposed to economic aid for foreign countries. Materials issued by proponents of the package proposal assail use of U.S. government funds abroad to build highways, airports, canals, and plants in competition with American private enterprise.

The ban on foreign or domestic agreements not in line with the package proposal appears to be an echo of the Bricker Amendment to limit the power of the President to make treaties and agreements with foreign countries.*

What Would be the Effects of this Package Proposal?

If the income tax were repealed, the federal government would lose 80 percent of its income.** National defense, estimated to consume 56.9 percent of the fiscal 1963 national budget, would be gutted; virtually all federal services would be abolished; U.S. participation in all international agencies would come to an end. "The facts ... force one to the conclusion that the adoption of the /package/ proposal would severely limit the federal government in meeting the minimum needs and requirements of our people and would completely prevent it from carrying out its obligations and responsibilities to the free world" said Senator Carl Hayden (D., Ariz.), dean of the Senate and Chairman of its Appropriations Committee,

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* See also National Continuing Responsibilities 1962-1964, Pub. 285, November 1962, pp. 36-43.

**The Budget in Brief - Fiscal Year Ending June 30, 1963, U.S. Bureau of the Budget, 1962, 64 pp., 25¢. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D. C.

whose duty it is "to give serious consideration as to whether there will be funds in the Federal Treasury to pay for the cost of expenditures which may be authorized by Congress."*

Effect on the Federal Budget

"The Budget of the U.S. government is more than a financial plan or a mere set of figures. It presents a program of action proposed by the President to the Congress each year to meet the continuing growth in the nation's responsibilities at home and abroad -- together with anticipated costs and proposals as to where the money should come from."** For fiscal 1962-1963, the U.S. Bureau of the Budget issued the following estimates on revenue and spending:***

Where the Tax Dollar Comes From		Where the Tax Dollar Goes		
Individual income tax	53 cents	National security		63 cents
Corporation income tax	28 cents	National defense	57¢	
Excise tax	11 cents	International affairs & assistance	3¢	
All others	8 cents	Space research & technology	3¢	
		Interest on national debt		10 cents
		Agriculture		6 cents
		Veterans		6 cents
		Health and welfare		6 cents
		All others		9 cents

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* 87th Cong., 1st Session, Senate Doc. 5, "The Proposed 23rd Amendment to the Constitution Which Provides That Congress Shall Have Power To Collect Taxes on Incomes," January 10, 1961, p. 10.

This study, prepared at the request of Senator Hayden in his capacity as Chairman of the Senate Appropriations Committee, was made by the staff of the Congressional Joint Economic Committee. The first three pages deal with the probable effects of repeal of the 16th Amendment. Although figures used are in relation to the 1961 fiscal budget and therefore estimates and quantitative effects are a little out of date, the arguments are valid.

The greater part of Senate Document 5 is directed toward constitutional tax limitation proposals which preceded attempt for complete abolition of federal income tax. The report is still useful in that it raises questions which those who support either proposal leave unanswered.

Copies of Senate Document 5 may be obtained free of charge from the national office of the League or from the Joint Economic Committee of Congress, Washington 25, D. C.

More up-to-date information would probably be assembled by the U.S. Treasury Department and the Legislative Reference Service of the Library of Congress at the request of Congressmen, if Congressmen received requests from constituents for this information.

**The Budget in Brief, op. cit., Foreword.

*** Ibid., pp. 23-47.

Income tax on individuals brings in over half of all federal revenue; corporation income taxes account for more than another quarter. Abolition of federal income taxes would eliminate four-fifths of the tax dollar. The remaining twenty cents of each estimated income dollar is less than half of what is now spent on national defense. Assuming that economies can be effected within the defense establishment and in defense contracts, could loss of income tax revenues be offset by such savings? Would a bare-bones budget for U.S. defense be in the public interest in today's world?

Two other categories of the federal budget -- payments for interest on the national debt and implementation of promises made by former Congresses -- were supported in these words when the President of the League of Women Voters of North Dakota testified before the North Dakota House State and Federal Committee in February 1961:

> "...we do not believe that the United States can, with honor, renege on promises made to holders of War Bonds, disabled veterans, widows and orphans of veterans, senior citizens on social security, or recipients of agricultural price supports, by previous Congresses.
>
> "In short, if we are to maintain a defense against Communism, pay interest on government bonds, and honor our honest obligations as well as maintain a federal government, we are committed to a large federal outlay."

Effect on Federal Fiscal Policy

If the 16th Amendment were repealed, Article I, Section 9, Subsection 4 of the U.S. Constitution would again be in force. This section provides that "No capitation, or other direct, tax shall be laid, unless in proportion to the census ..." In levying direct taxes under Article I, Sec. 9 (4), Congress must decide exactly how much money is to be raised and then allot each state that proportion of this sum which the population of the state bears to the nation's population. In other words, a state with five percent of the national population must furnish five percent of the revenue of the direct tax.

Direct taxes (taxes which cannot readily be passed on to someone other than the person from whom collection is made) levied in proportion to the census are said to be clumsy to administer. They bear no relation to ability to pay. Except for the income tax under its particular amendment, direct taxes have seldom been resorted to by the federal government -- the last time was to help finance the Civil War.

If the package proposal were adopted, NO revenue could be raised from a federal tax on incomes, not even "in proportion to the census." The federal government would be forced to rely on indirect taxes (taxes which can be passed on from the person from whom collection is made to some consumer on whom the ultimate burden falls).

What indirect tax sources are available, alone or in combination? The Constitution provides:

> Article 1, Section 8. "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States."

Duties and imposts are tariffs levied on imports. Excises are internal revenue taxes generally levied on intranational manufactures but sometimes on retail sales and on consumption of commodities.

An outstanding feature of the U.S. federal tax system has been its heavy reliance on taxes on income and its correspondingly light emphasis on consumption taxes.* A general sales tax (consumption tax) levied by the federal government appears to be the simplest and most probable alternative to the income tax. On the basis of income and expenditure estimated for 1961, the staff of the Joint Economic Committee of Congress concluded that:

> "Under the Proposal to abolish the Federal income, estate, and gift taxes, general sales tax rates would have to be 29.5 percent, if the tax included food, and 39 percent if food were excluded."**

In establishing a federal sales tax, the national government would not only be levying a highly regressive tax (one in which the rate of tax decreases as income increases) but would be entering a tax field now occupied exclusively by state and local governments. Overlapping of federal, state, and local taxes is already a serious problem.***

The League of Women Voters has been interested in tariffs since the early '20s. By support for renewal of the Reciprocal Trade Agreements program in 1936, League members rejected economic nationalism as they had earlier rejected political isolation. Since that time the League has supported downward revision of tariffs by working for renewal of the Act 11 times between 1938 and 1958, by opposing escape clause and peril point legislation, by supporting GATT, and lastly by working hard for passage of the Trade Expansion Act of 1962 in the 87th Congress (1961-62). League members and others who believe that world trade is in the public interest and important to U.S. foreign policy objectives would hardly consider tariff for revenue a suitable replacement for the income tax.

A third way to help replace income tax revenues would be to raise steeply the existing rate

- of taxes on liquor, tobacco, documents, and playing cards
- of manufacturers' excise taxes on gasoline, tires and trucks, radio and television sets, musical instruments, passenger cars, refrigerators and freezers, cameras and film, sporting goods

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*Committee for Economic Development, Growth and Taxes, February 1961, p. 3; Reducing Tax Rates for Production & Growth, December 1962, p. 4.

**87th Congress, 1st Session, Senate Doc. 5, January 10, 1961, p. 6.

***It is frequently asserted that combined federal and state surtaxes are confiscatory in the higher income brackets. For example, the federal marginal rate (i.e., rates applicable to an additional dollar of income) on a joint income of more than $400,000 is 90 percent and the state marginal rate is 10 percent. However, the taxpayer is protected against confiscatory rates because the state income tax is deductible, under federal law, from income in the taxpayer's top income bracket. In the example this deduction would result in combined federal and state marginal rate of 91 percent, the maximum possible.

. of retailers' excise taxes on furs, jewelry, luggage, toilet preparations

. of miscellaneous excise taxes such as those on telephone and telegraph service, admissions.

Or excise taxes could be extended to more commodities. A broad-based low rate federal excise tax is recommended by the Research and Policy Committee of the Committee for Economic Development in a recently published report;* although in 1944 the same Committee opposed sales and excise taxes because the effect was the same as lifting prices, because distribution among income groups was necessarily inequitable, and because such taxes hide the tax burden.**

However, overlapping state, local, and federal excise taxes are already a problem. For some time municipalities and states have been urging the federal government to relinquish certain excise taxes in order that state and local governments can more fully exploit these fields.

Deficit financing is the last alternative to revenue from federal income tax. It is widely recognized that increase in the public debt may be desirable and necessary when the economy is operating at less than full employment. Under such circumstances deficit financing tends to increase total demand, employment opportunities, and the rate of use of other resources; whereas increase in taxes or reduction in expenditures tends to depress total demand and contribute to unemployment and under-utilization of resources -- undesirable developments during periods of recession.

However, deficit financing to replace revenue were the federal income tax repealed would not be an occasionally used tool. Instead increases in the national debt would go on year after year without reference to over-all economic conditions. Of this the staff of the Joint Economic Committee writes:***

> "Continuous increases in the public debt without reference to over-all economic conditions could result in strong and persistent inflationary pressures. ... Tax reductions of the magnitude called for by the proposed amendments would go far beyond those consistent with noninflationary, full employment conditions. Moreover, since the revenue loss and consequent increase in the debt would not be one-shot but continuing developments, the inflationary strains resulting therefrom would tend to accumulate and increase in force."

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*Committee for Economic Development, Reducing Tax Rates for Production and Growth, December 1962, pp. 11, 38.

**Committee for Economic Development, A Postwar Federal Tax Plan for High Employment, 1944, p. 33.

***87th Congress, 1st Session, Senate Doc. 5, January 10, 1961, p. 19.

Effect on the Role of the Federal Government	Almost all present functions of national government in the United States are paid for out of income tax revenues. Those who support repeal of the 16th Amendment are eager for drastic curtailment in the activities of the federal government.*

Do most citizens want to eliminate all present federal activities not mentioned by the founding fathers in 1783? Out would go federal grants-in-aid to states for old-age, survivors, and disability insurance, unemployment insurance, workman's compensation, maternal and child health services, vocational rehabilitation, school lunches, child welfare, protection of fish and wildlife. All federal money would be cut off which now is used for land-grant colleges and agricultural extension services; for removal of surplus commodities; for subsidies for hospital construction, soil conservation, public housing, urban renewal and slum clearance, air navigation aids, and air lines. Federal insurance on crops and home mortgages, area redevelopment, production of public electric power and of fertilizer, research on disease and on conversion of saline water would all be ended at the federal level. None of these activities was mentioned in the Constitution. Each comes within one of the Constitution's general clauses:

> Section 8. "The Congress shall have power to ... provide for the common defense and general welfare of the United States... to regulate commerce with foreign nations, and among the several States, ... to promote the progress of science and useful arts ... to make all laws which shall be necessary and proper for carrying into execution the foregoing powers..."

Who Works for Passage of the Package Resolution?

The National Committee for Economic Freedom, organized in 1959, is the present prime mover in bringing to state legislatures the package resolution to reduce the scope of federal activities and repeal the federal income tax. The flavor of the Committee can be caught in this excerpt from its Progress Report of January-July 1961:

> "Public understanding and support was widening all over the nation. In fact, our growing strength had alarmed those who gain their power and wealth from the unconstitutional, competitive, federal corporate enterprises which consume more than FORTY BILLION TAX DOLLARS a year. So they started a counter-attack.
>
> "The Chairman of the Senate Appropriations Committee used the prestige of his office to influence the attitudes of state legislators, private organizations and newspapers, by issuing and widely distributing a so-called 'Staff Study,' known as

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*National Committee for Economic Freedom, The Proposed 23rd Amendment, 1960, 22 pp.

Senate Document No. 5* at taxpayers' expense. Purported to be an analysis of the Liberty Amendment, it was actually an irresponsible, deliberately confused condemnation of all efforts to reduce taxes.

"Powerful figures in government departed from their proper functions to bring pressure upon legislators in various States to defeat Resolutions for the Liberty Amendment. Labor bosses were lured into the same effort. The invisible policy makers for the League of Women's Voters ordered their local and state groups to attack the idea of economic

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*Senator Hayden (D., Ariz.), Chairman of the Senate Appropriations Committee, requested the printing of Senate Document No. 5, and received the Senate's permission in January 1961. A second printing in June 1962 was authorized by a Senate Resolution sponsored by Senator Mansfield (D., Mont.).

Toward the end of 1960, the staff of the Joint Economic Committee was at work on a revision of a 1952 Joint Committee Print called "Constitutional Limitation on Federal Income, Estate, and Gift Tax Rates," intended to bring up to date the argument over 25 percent limitation on tax rates. When Senator Hayden learned that a movement to repeal federal income taxes was gaining headway, he asked the congressional Joint Economic Committee to prepare material analyzing this proposal.

Because state legislatures were about to meet and Senator Hayden considered it important to make information available to legislators at once, the pamphlet was published with the Senator's three-page statement and the Committee staff's two-page summary on income tax repeal preceding the main body of material on income tax rate limitation.

Although all proposals of the Committee for Economic Freedom were not then known in Washington, it was believed that the facts and figures in Senate Document 5 would be immediately useful to call attention to fallacies in the repeal proposal. Basically the arguments against federal income tax repeal and income tax rates limitation are similar.

Senator Hayden has answered critics of printing and distribution of Senate Document 5 by saying, "Upon reflection I am sure that you will agree that the Senate has the same right as the National Committee for Economic Freedom to make information available with respect to a proposed Amendment to the Constitution."

The League of Women Voters, which uses government material for study whenever it is available, has recommended Senate Document 5 to League members, as it did the now-out-of-print 1952 pamphlet.

freedom and tax reform.* Employees of federal agencies, and even members of Congress, added their pressure with threats of reprisal and loss of patronage to those who dared support the truly American doctrine contained in the Liberty Amendment.

"In State after State, due to the courage of legislators who are dedicated to the restoration of state sovereignty and individual liberty, we were on the verge of winning, indicating that with a harder fight, by more and better informed people, with improved organization and broader distribution of documented materials the pendulum will swing in our favor."

Membership in the National Committee for Economic Freedom was available to those who wanted to "Put Freedom on the Payroll by subscribing" to founder membership at $10 a month ($120 a year), business membership at $50 a month ($600 a year), industrial membership at $100 a month ($1200 a year), or annual membership at some larger amount to be written in on the application.

The Committee for Economic Freedom appears to have arisen from earlier interlocking pressure groups, among them the American Progress Foundation, the Organization for Repeal of the Income Tax (ORFIT), the Campaign for the Forty-eight States. In 1951, Rep. Patman (D., Texas) cited in the Congressional Record the Small Business Economic Foundation, the Committee for Constitutional Government, the American Taxpayers Committee, the Western Tax Council, and Fighters for Freedom as organizations hard at work to persuade men to support repeal of the income tax. The John Birch Society, too, favors abolition of federal income taxes.

The National Committee for Economic Freedom functions through state chairmen, usually men and women of stature in the community whose contacts with state legislators make it easy to have the package proposal introduced and committee hearings held.

Mr. Willis Stone is the chairman of the National Committee for Economic Freedom and publisher of the American Progress magazine. He frequently appears in support of the resolution for repeal of the federal income tax when this resolution comes up for consideration in state legislatures. In several states a member of the state legislature requested that a speaker be given the privilege of the floor to address a joint committee of both houses or a joint session of the legislature. Without prior publicity, Mr. Stone (or in some cases a state chairman) made his presentation for income tax repeal, explaining the effect he foresaw from sale to private interests of some of the "700 enterprises in which the federal government is engaged."

If groups opposed to the package resolution are to obtain an opportunity to present facts in opposition, these groups must be vigilant. They must be prepared to face well-organized opposition.

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* In January 1960, the national Board of the League of Women Voters recommended to the Leagues that the Continuing Responsibility on tax rates limitation be dropped from the national Program in order to reduce the Program load. At national Convention in May, however, delegates voted to retain this CR. In 1962, when each CR had to be recommended individually for retention, three times as many Leagues proposed that the tax rates CR be kept as proposed that it be dropped. The vote of delegates to Convention, the governing body of the League, was overwhelmingly in favor of retention of the tax rates CR.

Is So Extreme a Measure Necessary?

The League thinks repealing the income tax by constitutional amendment too extreme and rigid a measure.

> "The most important requirement of a tax system is that it should be a useful and usable instrument for raising the amount of revenue needed, which varies from time to time. ... The tax system should leave the government in a flexible position to vary its revenues either up or down, and not act as a strait jacket to prevent adjustments of yield to changing conditions."*

In testifying against the package proposal in 1961, the President of the League of Women Voters of North Dakota voiced the League's belief in the value of normal legislative processes:

> "To us, however, adoption of the proposed amendment to correct inefficiencies and abuses seems too drastic an approach -- something like throwing out the baby with the bath water. We strongly affirm our belief in a democratically chosen representative government and think that the remedies should rather be through choosing able men to represent us and keeping them informed of our views."

There are people to whom repeal of the income tax amendment would mean retention of millions of dollars, and it is to be expected that a movement for income, inheritance, and gift tax abolition would have great appeal to some of this group. But among audiences who demonstrate their support for the package proposal and among legislators who vote in its favor, there must be many who do so only in protest against the present tax structure and against increase in the federal role. People seeking a means of making their dissatisfactions known can do this more constructively by giving serious attention to the means of reform which lie at hand: 1) regular legislative processes of federal tax law revision and 2) state assumption of responsibility for positive, forward-moving, 20th century programs.

Revision of federal taxes will be on the agenda of the 88th Congress. Last summer the Administration pledged itself to a cut in personal and corporate income taxes, effective in 1963. In a speech to the Economic Club of New York, December 14, 1962, President Kennedy said:

> "... to increase demand and lift the economy, the federal government's most useful role is not to rush into a program of excessive increases in public expenditures, but to expand the incentives and opportunities for private expenditures."**

To this end, he called for a tax bill which would

> . reduce net taxes by an early enough date and in sufficient amount to increase demand and lift the economy

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* Committee for Economic Development, Growth and Taxes, February 1961, pp. 29-30.

**Wall Street Journal, "President Kennedy's Talk on the Economy," December 17, 1962, p. 18.

. increase private consumption as well as private investment through reduction of personal as well as corporate income taxes

. improve the equity and simplicity of the federal tax structure.

Mr. Wilbur D. Mills (D., Ark.), Chairman of the House Ways and Means Committee, had already pointed out that tax reduction in his opinion must be accompanied by "increased control of rises in expenditures." In reply, President Kennedy spoke of economies to be reflected in the budget proposals for 1964; among them reductions in the postal deficit and in storage costs of surplus feed grain stocks, cancellation of obsolescent and unworkable weapons systems, absorption of the federal pay raise by holding down numbers employed.

Thorough consideration of federal tax cuts will include discussion of the effects of

across-the-board reductions
downward revision of surtaxes in the upper brackets
tax structure on idle capacity of men and industrial plants
revision of tax structure to provide new thrust to the economy
closing tax loopholes
tax reduction on balance of payments
tax reduction on federal budget deficit

On such subjects the League has no stand under its CRs. The CRs from which the League of Women Voters opposes the package resolution are limited in scope. The CR on tax rates authorizes a state League only to 1) oppose resolutions aimed at limiting or repealing federal income tax by constitutional amendment and 2) support rescission of such resolutions.*

As individuals, League members can be expected to develop thoughtful, though perhaps divergent, views on many of the changes suggested as tax revision is discussed on the Hill and in the mass media. Legislative decisions will be difficult. No one will be fully satisfied. Congressmen will need to learn the wishes of constitutents. League experience and training will help members make their individual opinions known.

As the world has continued to grow more interdependent, interest in limiting the treaty-making powers of the federal government by constitutional amendment has died down. The League doubts that the section on foreign and domestic agreements in the package proposal would receive attention if divorced from the proposal for income tax repeal. The temper of the country at the present time seems to favor working out solutions with other countries for the common good of all.

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* See National Continuing Responsibilities 1962-1964, pp. 33-34.

PUBLIC AFFAIRS
Comment

VOL. XI, NO. 3 INSTITUTE OF PUBLIC AFFAIRS, THE UNIVERSITY OF TEXAS MAY, 1965

STATE LEGISLATIVE MALAPPORTIONMENT AND ROLL-CALL VOTING IN TEXAS, 1961–1963*

Clarice McDonald Davis†

THE UNITED STATES is currently in the midst of a political upheaval resulting from recent U.S. Supreme Court decisions regarding reapportionment. The controversy centers around the fact that the Court has ruled that within a state the districts for state legislatures and Congress must be equal, or as nearly equal as possible, in population. The conflict between the unequal size of districts and the philosophy of representative democracy has long been recognized as a problem, but the state legislatures have been reluctant to equalize representative districts. Part of this reluctance can be traced to a fear that the reconstituted state legislatures would be liberal, labor-oriented bodies which would promptly spend the states into bankruptcy. There is, however, no proof that such a change would occur in the political complexion of the legislatures as a result of reapportionment.

The purpose of this inquiry has been to investigate the changes in policy that could reasonably be expected if the legislature of Texas were reapportioned strictly according to population. As a second interest, an attempt was made to draw some conclusions about the effect the present malapportionment has had upon policy decisions which have already occurred.

Rural-Urban Split

The first step in this investigation was to determine if, in the 57th and 58th Texas Legislatures, the membership showed any consistent tendency to divide along rural-urban lines. This was thought to be relevant because if reapportionment is to cause a policy change, the representatives of rural areas (over-represented) must be voting cohesively against a cohesive bloc of urban representatives. If this pattern of rural-urban antagonism is not present, then the addition of voting power to the urban group cannot be expected to cause an appreciable policy change.

In this study a group was considered cohesive if 67 per cent of its voting members voted on the same side. Thus, in order for a rural-urban split to occur, the urban legislators had to have 67 per cent of their group voting against 67 per cent of the rural group. The urban group was defined as being those members of the legislature elected from districts which contained an urban community of 100,000 people or more. The rural group was composed of those members who were elected from districts which had no urban area of at least 10,000 people.

The 45 roll-call votes which were analyzed occurred during the 57th Legislature (1961–1962) and the 58th Legislature (1963). Members of the 58th Texas Legislature were elected under a reapportionment plan enacted by the 57th Legislature. Thus, two legislatures and two apportionment schemes are covered by the study. The bills analyzed were divided into three categories—labor bills, urban-rural bills, and liberal-conservative bills—on the basis of their classification by relevant interest groups.[1] Forty-five House and Senate votes on 32 bills were analyzed, and these are indicated in Tables I and II.

The voting pattern which occurred on those bills classified as labor issues showed that in no case did the legislators from the urban group form a cohesive bloc against a cohesive bloc of legislators from areas classified as rural. There was only one vote out of the 13 votes in this category on which the most urban group could be considered cohesive, and on this bill the urban legislators were cohesively against the labor position on the bill. On only four votes did the urban group have a greater majority for the labor position than the rural group, while on nine of the 13 votes a majority of the urban legislators voted against the position of organized labor.

This evidence contradicts any contention that reapportionment would help organized labor, since urban legislators did not show any propensity to support the position of labor cohesively on any vote. In fact, there was a definite tendency in the opposite direction.

In the category of rural-urban issues,

* This article is based on a thesis which was prepared in the Graduate School of The University of Texas and which will be published as a monograph by the Institute of Public Affairs later in 1965.

† Legislative Intern, Texas Legislative Council, Austin. In the preparation of this article, Mrs. Davis was assisted by Miss Charldean Newell, Research Associate, Institute of Public Affairs.

[1] The advice and assistance of specific persons and interest groups were obtained conditionally upon protection of their anonymity.

PUBLIC AFFAIRS
Comment

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analysis of the votes produced a similar pattern. The urban areas did not oppose the rural areas cohesively on any vote, while on eight of the 13 votes in this category a majority of the urban group of legislators voted with a majority of the rural group. In one case, each group had 65 per cent of its members voting on opposite sides, a distribution which was very close to meeting the standard of cohesive disagreement, and in this instance, the urban group was on the winning side.

In the category of liberal-conservative issues, no vote produced a well-marked split between urban and rural legislators. There was some indication that urban legislators as a whole were somewhat less cohesive in their conservatism, but there was no indication that the urban legislators were themselves liberal. On nine of the 19 votes in this category, the urban legislators had a majority opposed to the liberal position, and on five of the remaining ten votes the urban and rural legislators had a majority in favor of the liberal position. This left only five votes where the rural group voted conservative and the urban group voted liberal, and, significantly, on three of these five votes the liberal side prevailed.

Of the 45 votes analyzed, there were 18 on which either the urban group or the rural group did produce a cohesive majority, but there was not a single vote on which the two groups achieved a cohesive majority opposed to each other. The votes show that, based on recent Texas experience, there is not much validity in the thesis that the urban legislators are cohesively more liberal and more labor-oriented than rural legislators, but that because of their lack of voice in the legislature they are consistently outvoted by conservative, anti-labor rural blocs.[2] In the first place, as is shown in the table below, the urban legislators showed no sign of being consistently cohesive in favor of any position. In the second place, there is no evidence that the urban legislators are outvoted by a rural bloc. In fact, the opposite is suggested by the fact that on the 45 votes examined, a majority of the urban legislators were on the winning or majority side in all but five cases, and they were not cohesive on these five. This seems to indicate that the city legislators are in a good position to achieve their aims when they are in agreement, despite the fact that they are now under-represented in the legislature.

TABLE I

VOTES ANALYZED
BILLS OF 57TH TEXAS LEGISLATURE
1961–1962

Bill Number*	Subject and House Where Vote Occurred*
Labor Bills	
H.B. 28	Unemployment compensation (waiting period) (H)
H.B. 29	Transit companies (H)
H.B. 44	Minimum wages (H)
H.B. 45	Teacher sick-leaves (S)
Rural-Urban Bills	
H.B. 2	Rural electric companies (H)
S.B. 181	Trespassers (S)
S.B. 353	Livestock law (S)
S.J.R. 5	Loans to small cities (S)
H.B. 3	Annexation (S)
Liberal-Conservative Bills	
H.B. 349	Legislative reapportionment (H)
H.B. 363	10–2 jury verdict (H, S)
H.B. 334	Tax bill (H)
H.B. 331	Amended sales tax (H, S)
H.B. 20	Sales tax (H, S)**

* Abbreviations used in both this table and Table II are H.B., House Bill; S.B., Senate Bill; H.J.R., House Joint Resolution; S.J.R., Senate Joint Resolution; H, House of Representatives; S, Senate.

** This vote occurred in the first called session of the 57th Legislature. All other votes occurred in the regular session.

TABLE II

VOTES ANALYZED
BILLS OF THE 58TH TEXAS LEGISLATURE
1963

Bill Number	Subject and House Where Vote Occurred
Labor Bills	
H.B. 2	Transit companies (H)
H.B. 23	Industrial Safety Commission (H)
H.B. 148	Unemployment compensation (actively seeking work) (H)
H.B. 152	Unemployment compensation (quitting or being fired) (H, S)
H.B. 203	Social Security and unemployment (H, S)
H.B. 348	Prohibiting strike breakers (H)
H.B. 402	Employee cause for action on workmen's compensation claim (H)
Rural-Urban Bills	
H.B. 13	Annexation (H, S)
H.B. 321	Agricultural chemicals (H)
H.J.R. 3	Equal representation for urban areas (H)
S.B. 100	Trespassers (H, S)
S.J.R. 7	Loans to small cities (H, S)
Liberal-Conservative Bills	
H.B. 132	Voter registration (H)
S.B. 15	Small loans regulation (H, S)
S.B. 230	United Nations flag (H, S)
S.B. 255	Builder liability (H, S)
S.J.R. 1	Poll tax repeal (H, S)
S.J.R. 2	Women's rights (H, S)

COHESIVE VOTES,
URBAN AND RURAL GROUPS

Issue	*Urban Group*	*Rural Group*
Pro-labor	0	0
Anti-labor	1	4
Pro-rural	1	4
Anti-rural	0	0
Pro-liberal	2	2
Anti-liberal	2	2

Moreover, the city legislators show no tendency to vote against the rural areas. In the rural-urban category of votes, the urban legislators did not cohesively oppose the rural interests on a single vote, and on eight of the twelve votes, the urban group had a majority in favor of the rural interest. Furthermore, on two of the remaining four votes, as many urban legislators voted in favor of the rural position as voted against it. This leaves only two votes on which a majority of the urban legislators voted against the rural interest, and neither of these votes were the rural legislators themselves cohesively in support of the rural interest. Thus it seems likely that the rural voters have as little to fear from the urban areas as the cities have to fear from the rural areas. During recent sessions both have been in remarkable agreement in the Texas Legislature, and such agreement indicates that equitable apportionment would not cause an appreciable policy change.

TABLE III

MEMBERSHIP AND WEIGHTED VOTES
IN THE TEXAS LEGISLATURE
BY POPULATION GROUPS

Size of Largest Urban Area in District	Number of Members (Weighted Votes in Parentheses) 57th House	57th Senate	58th House	58th Senate
100,000 & above	48 (75.29)	11 (17.98)	59 (75.30)	11 (17.95)
50,000–99,999	11 (12.62)	6 (4.41)	13 (12.40)	6 (4.35)
30,000–49,999	12 (10.58)	4 (3.02)	11 (10.56)	4 (2.96)
10,000–29,999	36 (25.86)	9 (5.17)	35 (27.88)	10 (5.73)
Less than 10,000	43 (25.70)	1* (.43)	32 (23.88)	none .....

* The "less than 10,000" category was abandoned for analytical purposes because only one Senator in the 57th Legislature, and no one in the 58th, fit into this group. This one vote was combined with the "10,000–29,999" category for analysis.

Weighted Votes

Evidence gained from the vote analysis discussed above indicates that the rural-urban split which is necessary if reapportionment is to cause a policy change does not exist in the Texas Legislature. In order to cross-check this finding and to see if malapportionment of the legislature had caused any policy differences in the past, a system of weighted votes was used. Each member of the legislature was given a vote weighted on the basis of the number of people in his district. The 45 votes used in the above analysis were then retabulated using these weighted votes. The votes were again divided into three categories of labor, rural-urban, and liberal-conservative issues. Table III shows the relationship between the weighted votes and the assigned population categories.

The weighted votes caused the actual result to be reversed in only one case in the category of labor issues. This vote was on a motion which required a two-thirds majority (H.B. 203). The weighted votes changed the result 1.27 votes, and the anti-labor faction lost its two-thirds majority, but the labor supporters did not come near achieving a majority themselves. Although in this case a bill passed the Senate which would not have been passed under the weighted scheme, no real policy change could have been made by the weighted votes because action of the other house killed the bill. The following tabulation shows the relative shift in strength which occurred on the 13 votes in this category as a result of the weighting.

LABOR GAIN WITH WEIGHTED VOTES

	57th Legislature	*58th Legislature*
Total gain	4.31	7.31
Average gain per vote	1.07	.81

In view of the suggestion that the inequalities in legislative apportionment discriminate against labor, the results of weighting the votes in this category are remarkable. On five of the 13 votes, the pro-labor side actually lost votes, and the maximum gain on any single vote was only 3.05. The small average gain by labor as shown in the table above indicates a tendency, therefore, for the pro-labor faction to increase with the weighted votes, but the increase was so minute that its effect on policy decisions would be negligible.

There was no reversal of the actual vote on any issue in the category of rural or urban votes. This is particularly remarkable considering the fact that if malapportionment does discriminate against the cities, then these are precisely the policy decisions that would have been reversed when the legislative votes were weighted according to population. The table below summarizes the results of weighting the votes on bills in this category.

RURAL LOSS WITH WEIGHTED VOTES

	57th Legislature	*58th Legislature*
Total loss	15.02	35.06
Average loss per vote	3.00	4.40

As this tabulation shows, there is a tendency for the rural areas to lose votes with the weighted scheme, which is exactly what one would expect; but as was the case with the labor votes, the change made by the weighted votes was not large enough to suggest any policy changes. To see how small this change is, one need look only at the distribution of the weighted votes. The rural areas lost 18 votes, and the urban areas gained 27 votes under the weighted vote system; yet the most the urban interest gained on any one roll-call was 11.35, and this was on a proposed constitutional amendment which would have made equitable apportionment of the House of Representatives constitutionally possible!

In the category of liberal-conservative issues, two votes out of 19 would have been reversed by the weighted vote scheme (H.B. 363, H.B. 334). Both of these reversals were in an *anti-liberal* direction, and neither would have caused any real policy change because subsequent action of the legislature caused the final policy decision to be exactly what the weighted vote suggested the policy decision ought to be. The results of weighting the votes in this category are summarized below.

LIBERAL GAIN WITH WEIGHTED VOTES

	57th Legislature	*58th Legislature*
Total gain	—17.94	7.70
Average gain per vote	— 2.24	.70

[2] Similar studies in other states also have dispelled this thesis. See, for example, Murray C. Havens, *City versus Farm* (Tuscaloosa: Bureau of Public Administration, University of Alabama, 1957), and David R. Derge, "Metropolitan and Outstate Alignments in Illinois and Missouri Legislative Delegations," *American Political Science Review*, LII (December, 1958), 1051–1065.

On ten of the 19 votes in this category, the weighting would have caused the liberal faction to lose rather than gain strength. The greatest liberal gain on a single vote was 3.79, while the greatest liberal loss was 9.16. Increasing the voting power of the urban areas seems to do nothing to aid the liberals, and in the 57th Legislature the liberals were hurt more than they were helped by the weighted vote.

The weighting of the 45 votes showed that on only three votes would the result have been reversed, and no policy decisions would have been changed by these reversals. Furthermore, none of the three categories showed a tendency for one group to gain an inordinate amount of voting strength from the weighted votes. The urban-rural category showed the greatest tendency in this direction, with an average loss to the rural faction of 3 votes per bill in the 57th Legislature and 4.4 votes per bill in the 58th Legislature. Yet, in not one case in this category was the shift in votes great enough to reverse the outcome of the actual vote, and the votes analyzed included the vote on a bill which would have made equitable apportionment of the House of Representatives possible. The analysis suggests, therefore, that the malapportionment of legislative districts in Texas has not affected the policies of the legislature.

Conclusion: No Change

Thus, both methods of analysis, i.e., rural-urban antagonism and weighted votes, suggest the same result: reapportionment according to population would not cause a policy change in the Texas Legislature. The only limitation on this conclusion is that in both methods of analysis the assumption was made that the legislators voted as they would have voted under an equitable apportionment. The most obvious difficulty with this assumption lies in the fact that as long as urban areas are under-represented and have less than a majority of the votes in the legislature, the urban legislators know they must depend upon the votes of some rural legislators in order to achieve their aims. For this reason the urban legislators may be inclined to compromise more often than they would if they were not dependent upon the votes of some rural legislators. The conclusions reached in this study are, therefore, tentative, but they are as close to the final answer as one can get until reapportionment has actually occurred.

The question remaining is whether the malapportionment in Texas is sufficiently serious to make this state a fair test of the effect which reapportionment can have on policy decisions of state legislatures. The facts would indicate that Texas is indeed sufficiently malapportioned. The American Political Science Association has suggested that any congressional district which deviates more than 15 per cent from the population of the average district should be considered malapportioned, and it seems reasonable enough to adopt this standard for state legislative districts also. If the districts in Texas are analyzed with this criteria in mind, more than half of the districts in both houses for both the legislatures under consideration fall into the category of malapportioned districts. The table below shows the exact figures for both legislatures.

	57th House	*57th Senate*	*58th House*	*58th Senate*
Over-represented	71	20	58	20
Under-represented	42	5	39	5
Equitable	32	6	48	6

Thus, the apportionment situation in Texas seems to be serious enough to make this study meaningful. The results indicate, however, that not much difference in policy has been caused by the existing malapportionment and that not much change can be expected as a result of reapportionment exclusively on the basis of population.

MAY, 1965

PUBLIC AFFAIRS Comment

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AUSTIN, TEXAS

Mrs. Herbert C. Martin
Texas Constitutional Revision
[redacted]

League of Women Voters
of the United States

Memorandum

[redacted]

This Memo is going on
Special Subscription Service

February 18, 1963

TO: Local League Presidents (Copy to State League Presidents)
FROM: National Office
RE: INVENTORY OF WORK ON REAPPORTIONMENT*

THE LEAGUE'S "RED BADGE OF COURAGE"

Stephen Crane did not have in mind the League's battle for reapportionment in many states when he wrote his classic on the Civil War, but the Oklahoma state League has borrowed his title to dramatize its fight.

For six years these League members have been working to enforce the constitutional formula for apportionment of the legislature, and not only do they button-hole legislators but they give them a red carnation for the lapel as a symbol of courage and action in this ticklish field.

As recounted in the League's newly revised INVENTORY OF WORK ON REAPPORTIONMENT other Leagues too have borrowed from the past to play up this critical ailment in many states -- the need for fairer representation in state legislatures. A Boston Tea Party was held by the League in Florida -- complete with tea bales, ship, and costumes -- to emphasize that unfair apportionment meant taxation without representation.

But gimmicks alone are not what has earned the League such respect in its apportionment work. Among the reports from the 30 state Leagues in the new INVENTORY are the stories of the still continuing Michigan Con-Con campaign -- "one of the great action stories in the League of Women Voters" -- and the dramatic tale of the Tennessee League which "had a hand in the celebrated case of Baker vs. Carr" -- the Supreme Court decision which, since it was handed down in March 1962, has unloosed a flood of action -- League, legal, and legislative.

Although the general purpose of the INVENTORY is to aid state Leagues working on or considering work on the reapportionment issue, League members -- and the public in general -- will be interested in this concise, state-by-state report on an issue that has come to national attention. Edward R. Murrow once said on a television program that the League was one of the very few civic organizations that was "pitching in" on reapportionment. The INVENTORY tells just how fast and straight the pitches have been over home plate.

Price: 60 cents 60 pages.

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*Because not all Leagues are working in the reapportionment area, a copy of the INVENTORY is being sent out only to state League presidents and on the state Board supplement service. Local Leagues, however, are welcomed to order a copy.

League of Women Voters
of the United States

Memorandum

[redacted]

July 30, 1965

TO: Local and State League Presidents

FROM: National Office - RE: APPORTIONMENT KITS

The APPORTIONMENT KITS sent to Leagues in June were directed to local and state League Presidents only. They were not sent on Duplicate Presidents Mailing. Orders for additional Kits were filled as long as the supply of full Kits lasted. This supply is now gone and we have prepared partial Kits which contain everything but the book on REAPPORTIONMENT by Glendon Schubert. Directions are included in the Kit for ordering REAPPORTIONMENT direct from the publisher. Please do not order it from the national office. We have no more copies for distribution.

Orders for full Kits are being filled by partial Kits now. If there has been delay in filling your order it has been due to the preparation of the partial Kits.

The supply of partial Kits will also be limited. Two articles in the partial Kit will be sold separately. These are PATTERNS OF APPORTIONMENT, by William J.Boyd at 15¢ each, and FACT SHEETS ON AMENDING THE CONSTITUTION OF THE U.S. at two for 10¢. The cost of the partial Kit is $2.50.

Marlin
Pers

League of Women Voters of the United States

[redacted]

December 28, 1964

APPORTIONMENT FACTS

Answers given to some frequently asked questions raised by Supreme Court's apportionment rulings.

By WILLIAM J. D. BOYD*

National Civic Review Nov. 1964

Since the United States Supreme Court ruled on the apportionment case of Baker v. Carr in March 1962, the National Municipal League has been the national clearing-house of information on this subject, assisted by a Ford Foundation grant. League materials have been utilized by both the states' attorneys general defending apportionment practices and by plaintiffs' lawyers attacking the status quo. Various special studies have been undertaken for one or both sides in specific states. The League also has served the news media and citizens' groups seeking background data and asking such questions as:

How did all this come about: What was the apportionment status in 1962? What were the court's basic rulings? Has the court unconstitutionally extended its power?

Here, to offset some of the emotional and at times inaccurate statements made by both sides, are some answers to commonly asked questions.

1. How did the Supreme Court become involved in a state problem?

State legislatures brought it upon themselves. While most controversy today centers around the Supreme Court decisions of June 15, 1964, in which the court held for a "one man, one vote" formula for both houses of legislatures, the whole problem had become a matter for judicial inquiry two years earlier in the case of Baker v. Carr (March 26, 1962). If state legislatures had obeyed their own constitutions, the federal judiciary might never have entered the apportionment picture. At the time of the Baker case the legislatures of twenty states were openly violating their own state constitutions; four others in the previous decade had been forced by state courts or constitutional initiatives to obey the law after years of ignoring it; and in several states "token" apportionments had barely conformed to the letter, but clearly not the spirit, of the law. In 37 states there was no way the public could initiate reform, and in only three had state courts intervened. The Supreme Court in the Baker case (which was brought because Tennessee had failed to reapportion for 61 years) stated that a fundamental right was being denied, that Tennessee's legislature was violating that state's own constitution and that protection of individual rights to representation was subject to federal judicial scrutiny.

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2. Had the high court ever ruled previously on this question?

Yes. The most famous pre-Baker case was Colegrove v. Green, in 1946, which dealt with disparity of population between congressional districts. The court's ruling (in a four-three decision) that this was a "political thicket" into which the judiciary ought not to enter remained the precedent until the Baker case. In the Colegrove case, three justices followed the "political thicket" concept. Three disagreed and voted for federal judicial relief. The seventh and deciding vote was cast by Justice Rutledge, who agreed with the majority because of a lack of "compelling circumstances" in the specific case but held as general judicial theory that reapportionment and redistricting problems were subject to review by the Federal courts. In a legalistic sense, therefore, the Baker case actually did not overrule Colegrove. A majority of the court had not held apportionment a non-justiciable issue.

3. Did the Baker case precipitate other court action?

As already noted, more than twenty states had in some way violated or circumvented their own constitutional provisions. Soon after announcement of the Baker decision, cases were started all across the country challenging a status quo which was frequently acknowledged to be based on deliberate breeches of constitutional provisions.

Several cases, however, were instituted where the legislature had obeyed the state constitution. These were based on the argument that constitutional provisions were weighted against more heavily populated areas and thus violated federal constitutional protections.

4. When was the first time the Supreme Court enunciated a "one man, one vote" doctrine?

In 1963, in the case of Gray v. Sanders. As a direct result of the Baker case, suit was brought against Georgia, which utilized a unit system in the Democratic primaries for election of governor, United States senators and other statewide officials. Units assigned to counties were far out of line with actual population. The eight largest counties had six unit votes each; the next 30 had four units each; and the remaining 121 counties each received two. Population disparity was about 100 to one. A governor was elected not by popular vote but by a majority of unit votes. On accasion a man receiving a majority of the popular vote would lose the election.

In reviewing this case one year after the Baker opinion, the court held that such a system within a single constituency -- that is, in a statewide election -- was unconstitutional. The majority opinion stated: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing -- one person, one vote."

5. Did the concept of "one man, one vote" come up in any other situation?

Yes, in congressional districting. Eighteen states had gone for decades without adjusting congressional district boundaries, some for as long as 70 years. In eighteen states (not always the same ones that had gone so long without redrawing boundaries) districts had population disparities of greater than two to one and in a half dozen the differences were greater than three to one. About 30 states had one or more districts half again as populous as the smallest district.

Again, it was from the state of Georgia that the most extreme example came, and it was Georgia that provided the next "representation" case. In Wesberry v. Sanders

Georgia expanded its guarantee to each county (there are 159) of at least one representative and stipulated that the eight largest counties could have a maximum of three representatives and the next 30 only two.

Pennsylvania was the first major northeastern state to change. The city and county of Philadelphia were merged in the 1850s to create a metropolis of more than 500,000 population. In 1878 a constitutional convention changed the apportionment formula to place severe restrictions on the acquisition of additional representatives by populous areas and to put a limit on the number that could be elected by any one county.

With growth of the urban centers, development of the "big city political machines" and influx of immigrants into metropolitan areas, there were more changes. In 1894 New York required that apportionment be geared to citizen population and created a Senate formula that required an ever larger ratio for the acquisition of additional senators and placed a limit on the number of legislators from any one county or any two adjoining counties.

Delaware established permanent districts for both houses in 1897.

Some changes also were made in the Midwest. As a general rule, however, midwestern and southern states stopped reapportioning after the census of 1900 or 1910. Ohio did insert into its formula guarantee of one representative to each of its 88 counties.

In 1920 Los Angeles became the largest city in California and a few years later the state adopted a "little federal plan" for the Senate which limited that county to a single seat.

In the 1950s some state legislatures -- for example, Illinois and New Mexico -- proposed compromise apportionments. Reapportionment in conformance with the state constitution had been ignored for several decades. In response to public and state judicial pressure, the legislatures submitted to the voters plans in which the lower houses were based on population but area became the dominant apportionment factor in the senates.

12. Is there any precedent for the Supreme Court to strike down a state law or, more important, part of a state constitution?

Yes. The United States Constitution makes no distinction between state laws and state constitutional provisions. Article VI, section 2, of the federal constitution established the supremacy of the national constitution, laws and treaties, "anything in the constitution or laws of any state to the contrary notwithstanding."

The first assertion of federal judicial review of state action came in 1810 under Chief Justice John Marshall. Instances of this power's usage include such famous Supreme Court decisions as the Darmouth College Case, McCullough v. Maryland, Gibbons v. Ogden and others. The federal constitution has been interpreted, in Guinn v. United States and Lane v. Wilson, to strike down state constitutional provisions on "grandfather clauses" (a device to deprive Negroes of the right to vote). Other decisions overruled limitation of voting rights to "male" inhabitants or "white" males, restrictions on the rights of aliens of oriental extraction to own property and, in 1954, state constitutional provisions regarding segregation of the races in public schools.

In the early 1900s Justice Oliver Wendell Holmes said: "The United States would not come to an end if we lost our power to declare an act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several states."

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While the right of the Supreme Court to take such action is well established, this power remains a matter of frequent controversy. Disagreement arises most often when the subject upon which the court has ruled is not specifically mentioned in the constitution and thus rests on interpretation. As the court itself has frequently demonstrated, not everyone interprets the constitution in the same way. In the apportionment debate the issue is not whether the Supreme Court has the power to make such a decision but whether its interpretation of the equal protection clause of the Fourteenth Amendment is accurate and wise.

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(decided in February 1964) the Supreme Court noted that the United States House of Representatives had been established as the chamber that was to represent the people. Yet, it observed, the Atlanta metropolitan area was assigned to one congressional district that had a total population of 823,680, while immediately adjoining it was a district with only 272,154 people -- a disparity of more than three to one. The court stated: "We hold that, construed in its historical context, the command of Article I, section 2, that representatives be chosen 'by the people of the several states' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."

6. What were the Supreme Court's rulings in the Reynolds and accompanying opinions of June 15, 1964, in regard to "one man, one vote?"

The court said the constitution requires that "a state make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable."

On the so-called federal analogy, in which state apportionments are arranged with one house based on population and the other giving equal treatment to each political subdivision, the court said: "We ... find the federal analogy inapposite and irrelevant to state legislative schemes." Few states entered the Union with such systems, and the court declared their use in later years was "little more than an after-the-fact rationalization offered in defense of maladjusted state apportionment arrangements."

Concerning arguments for area or economic representation, the court declared: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

The Colorado case brought judicial rejection of one final argument -- that citizens of a state should be able to adopt any type of apportionment they want. "A citizen's constitutional rights can hardly be infringed simply because a majority of the people choose to do so."

7. Did the court provide any indication of the degree of variety that might be obtained in a bicameral legislature in which both houses were based on population?

The court intimated that the states may want to use other than a total population basis for apportionment and that the districts need not be exactly equal. "We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens or voters." The court also stated:

> Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multi-member districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographic size of the districts from which legislators are elected could also be made to differ. Apportionment of one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.

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8. Was any credence given to the idea of the autonomy of local government units within a state?

The concept of sovereignty of local government units was rejected. "Political subdivisions of states -- counties, cities or whatever -- never were and never have been sovereign entities." Citing a 1907 precedent, the court quoted from the case of Hunter v. City of Pittsburgh that such governmental units are "created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them." The Hunter precedent was further quoted to the effect that the "number, nature and duration of the powers conferred upon /them/ ... and the territory over which they shall be exercised rests in the absolute discretion of the state." The Supreme Court concluded: "The relationship of the states to the federal government could hardly be less analogous."

9. Did the court rule out all use of political subdivisions in the districting process?

Not entirely. The court held that local government boundaries could be useful in the districting process and that one house could grant recognition to such subdivisions. It stipulated, however, that this could not be carried to the point of granting each county or town an individual representative if doing so would violate the principle of equal representation. The court's exact wording was:

> A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions ..., and a state may legitimately desire to construct districts along political subdivision lines to deter the possibility of gerrymandering. However, permitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population. Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county) could easily result, in many states, in a total subversion of the equal-population principle in that legislative body.

10. Did the court's "one man, one vote" ruling nullify 175 years of history?

For some states it did. For the majority it did not. Examination of the original constitutions shows that 36 states required that representation be based predominantly upon population, and 27 of these stipulated that it should be the sole basis.

From the time Vermont was admitted in 1791 until Montana became a state in 1889, no state entered the Union without stressing population as the basis of apportionment.

The Northwest Ordinance of 1787 guaranteed the inhabitants of that vast territory equal representation on the basis of population in their territorial and state legislatures.

11. Did any states change their constitutions away from the concept of "one man, one vote?"

Yes, several did. After the Civil War some southern states altered their apportionment formulas. For example, South Carolina set up a Senate in which each county received one and only one senator.

April, 1967

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Washington: The Nation's Showplace?

As the visitor enters the great bronze doors of the National Archives in Washington, D. C., he feels the dignity and awed hush. Here are enshrined the original documents of the Declaration of Independence, the Constitution of the United States, the Bill of Rights — records of the promise and fulfillment of representative government. Daily, in small groups and singly, citizens of the United States and other nations file by, recapturing from the splendor of the words the purpose and dedication of men who nearly 200 years ago forged the pattern of U. S. government, selected by and responsive to the people.

Not all who file by are aware that in the surrounding city U. S. citizens are denied control of their civic affairs. Many do not realize that the people in Washington have no representation of any kind in the Congress that meets on Capitol Hill to make their laws. In fact, District of Columbia residents did not have a voice even in electing the President and Vice President until 1964, after ratification of the 23rd Amendment.

The Founding Fathers did not intend that District citizens should be so treated. James Madison, a signer of the Constitution, wrote in *The Federalist* that inhabitants of the nation's capital ". . . will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them . . ."

What Kind of Showplace Is Washington?

The U. S. citizen who tours Washington and sees the lovely parks and gardens, the federal buildings, the museums and monuments, embassy row, the homes in Georgetown and the northwest area is justifiably proud of his homeland's capital. But he seldom sees the city's problem spots. He is likely to be unaware that Washington, behind its impressive facade, is neither an example of representative government nor a model city for other communities to emulate. He does not sense the frustrations of local residents who yearn for full citizenship rights and want to work effectively toward making the District a better place in which to live.

What Are the City's Problems?

The District has a higher per capita income ($3,544 for calendar 1964) than any state in the union. However, this figure does not reveal the widening gap between the rich and the poor. Negroes, who overall suffer a higher degree of unemployment and a lower level of income than whites, are now about 63 per cent of its 800,000 population. The median family income for nonwhites is far below that for whites.

The usual grave problems arising from sharp economic contrasts, which also beset core city areas elsewhere, are especially frustrating in the nation's capital. Here everybody's business is really nobody's business. It is easy in the voteless District to refer the problem along and to delay answers. In other U. S. cities effective pressure can be exerted at the polls. It is difficult to develop metropolitan planning in the Washington area. Involved are 2 states, the federal government (whose requirements and installations are a major factor in the area's development), 4 counties, 6 cities, 50 incorporated municipalities, and the District (which has no authority to participate).

The extreme severity of D. C. social problems and physical blight creates a mounting crisis of great concern. Many civic-minded groups have carefully studied D. C. programs for health, welfare, education, employment, housing, and racial segregation. They have proposed realistic measures geared to prevent a considerable measure of the existing and increasing social disorder, deprivation, and crime. But their proposals have not met with favor in Congress, seat of the legislative and fiscal authority for implementation. Southern and rural congressmen have dominated most of the District committees. Both racial bias and little experience in confronting the complex needs of the rapidly growing and interdependent metropolitan area have encouraged oversimplified views of the problems.

Poverty. *The District Community Renewal Program Report,* August 1966, states: "One third of the city's population exists at little more than subsistence level, 262,000 out of 800,000 people . . . One half of all families of six or more persons are completely or partially indigent, 12,000 families [composed of] 85,000 persons . . ."

Housing. Low-cost private housing lags far behind the demand. Land is expensive; the District cannot expand beyond its present physical boundaries. Housing already overcrowded becomes more so when high-rent apartment and office buildings go up and dilapidated houses come down or when wide arteries for suburban traffic to the city cut through the poorer sections.

Some areas in the city are closed to many residents because of high costs; in general, suburbs are closed to Negroes because of segregated housing policies. In areas the visitor rarely sees, overcrowding continually increases. Garbage collection is not frequent enough; rats abound; repairs are made slowly, sometimes not at all; vandalism and theft mount.

Yet rents are high. Many apartments in the suburbs rent for less than poorer quarters in Washington. Racial barriers at the D. C. line create housing budget problems for Negro residents of moderate or high income. High rents also place heavy burdens on welfare recipients, who sometimes must pay rent with more than half of their total allowances.

Public housing also lags behind the demand. Under present D. C. programs, 22 per cent of the people are eligible for public housing; only 6 per cent are accommodated. Some public housing is apartment type with no resident manager. Lack of adequate funding limits provision of essential social services.

Employment. The estimated unemployment rate in the metropolitan area during 1965 was 2.3 per cent. In the District proper it was 4.2 per cent. Seventy-five per cent of the city's unemployed and underemployed are Negroes. For those of deprived background, poorly paid service jobs are the only kind available.

Until February 1, 1967, no D. C. males in private employment were covered by minimum wage laws, although for many years there had been such laws regarding certain jobs for women and minors. The D. C. Minimum Wage Law enacted by the 89th Congress[1] follows in part the 1966 Amendment to the Federal Fair Labor Standards Act except it will take one year longer in the District, until February 1, 1969, to reach the $1.60 per hour rate.

Many Negro men and women will not be covered since help employed in domestic service is not covered by the District law (nor by the federal law). In Washington, a large part of the poor finds jobs only in domestic services; there are no factories to provide choice of employment or to compete for the less skilled. Educated Negroes — of whom there are large numbers in the District — find employment opportunities in city and federal government and, lately, in an expanded number of private concerns actively or ostensibly integrating their staffs.

Education. Education costs per pupil in the District are high, but lower than in most suburban areas. School building construction does not meet the needs inherited from pre-desegregation days and needs resulting now from a rapidly growing school population. In addition, equipment and quality of education vary widely from school to school.

Although the drop-out rate is high, 50 per cent of those who do graduate from high school go on to further education. But, aside from the small D. C. Teachers College, there is no tax-supported liberal arts or technical college in Washington. The 89th Congress authorized (no money has as yet been appropriated) a Federal City College and the Washington Technical Institute, with $50 million allocated for planning, construction, and equipment — $40 million of the total to be borrowed and repaid by the District.

When these colleges open, many young people of the District for the first time will have available opportunities for low-cost higher education.

Crime. As is typical of large cities, there are in Washington high incidence and rapid increase in major crimes. *The Report of the President's Commission on Crime in the District of Columbia,* December 1966, emphasized the youth of the offenders and their deprived, disorganized backgrounds. The President has asked, on the report's recommendation, for a reorganization in particular of the city's youth services as well as of the police department, courts, and corrections.

The cost per capita for police services is high, partly because of the numerous additional services D. C. police perform in the nation's capital. The more than 9 million persons who visit the city each year, including foreign dignitaries, tourists, and delegates to conferences and conventions, make unusual demands.

In the community and in Congress, there are signs of a growing realization that prevention of crime is better than stepped-up punishment. However, in the 89th Congress the President found it necessary to veto a D. C. crime bill because he believed some of its provisions violated the constitutional rights of citizens.

Transportation. The nucleus of a rail rapid transit system for Washington was authorized by the 89th Congress, but years will elapse before it serves the whole area. Meanwhile, Washington is an automobile city. Buses, privately owned in both the city and its suburbs, provide transportation for the poor. Rising fares create a hardship for the poor, leading many Washingtonians to want public ownership or subsidization, similar to that in San Francisco, Boston, and New York. Only Congress can make such changes for the District.

Other Problem Areas. Health and welfare problems loom also as overriding concerns. In order for the District to participate in any federal programs, Congress must pass special D. C. legislation. It has often failed to do so. For example, in January 1967, a bill was introduced in the House to enable the District to participate in health and medical assistance benefits made available by Title XIX of the Social Security Act as amended in 1965. D. C. citizens have no way to initiate legislation to get for themselves many federal grants available to others.

The big city problems plaguing Washington are not unique. Their prototypes are endemic to every central city, with solutions impossible unless local citizens work hard to find them. D. C. residents have struggled for years to alleviate the spreading social and physical decay.

But just as government cannot alone solve the problems, citizens alone — even organized citizen groups — cannot either. Solutions will come only if citizens and responsive governments work together. Fragmented responsibility plus the absence of elected local government make the District task grim.

The nation's capital should be a showplace not only of historical sites but also of social change accomplished by the cooperation of representative government and its citizens.

[1] The 89th Congress met in 1965-66; the 90th meets in 1967-68.

How Has the City Been Governed?

The city of Washington, incorporated in 1802, at first operated with an appointed mayor (after 1820, popularly elected for a 2-year term), a 12-member elected council, and an 8-man Board of Aldermen elected after 1804. This form of government continued until 1871.

The District, then about 10 miles square, at first embraced areas not in the city of Washington. Other areas had varying types of government. For example, the city of Georgetown, incorporated in 1789 under the laws of Maryland, continued its popularly elected local government; the county and city of Alexandria, later retroceded to Virginia, operated under the laws of Virginia.

In 1871, Congress established a territorial government for the entire District — with one elected and one appointed house and a nonvoting delegate to the House of Representatives. Three years later, in 1874, pressure to change the government was brought to bear on Congress partly as a result of the cost for extensive public works, which included laying of sewer and water mains, the improvement of streets, and planting of parks. Another contributing factor was the enfranchisement of Negroes after the Civil War. Congress then replaced the D. C. territorial government with the present form and assumed the city's debt, later repaid by the District.

How Is the District Governed Now?

From 1874 to date, D. C. residents have had no voice in their city affairs. Congress makes all the laws. The 3-member Board of Commissioners is appointed by the President to administrate. One of the commissioners, in charge of public works, must be at least a captain of the Army Corps of Engineers (detailed for a 2- or 3-year tour of duty, not necessarily a D. C. resident). The municipal judges are also presidential appointees. The 9 members of the Board of Education are appointed for 3-year terms by judges of the D. C. Federal District Court.

Two committees for the District, in the House and Senate, respectively, must approve D. C. legislation before it can be voted by either body. House and Senate Appropriations Subcommittees must approve the D. C. annual budget. Both legislation and appropriations follow the same course in Congress as laws for the nation as a whole.

Several independent federal agencies with appointed boards have important authority in the District: the National Capital Planning Commission, Redevelopment Land Agency, National Capital Housing Authority, and others.

How Are District Funds Collected and Spent?

Every year the various D. C. departments, including the school board, submit budget requests to the commissioners who review them and hold hearings. Then the budget goes to the Federal Budget Bureau. The President sends the D. C. budget to Congress in January, accompanied by a special message in recent years. House and Senate District Appropriations Subcommittees hold hearings at which D. C. commissioners and department heads defend their requests. The subcommittees usually make additional cuts before the D. C. Appropriations Bill is submitted to both houses of Congress. Each legislative branch invariably passes different versions. The budget then goes to a conference committee, which returns the compromise form for final passage to House and Senate. It is then sent to the President for signature.

Thus D. C. citizens have no control over expenditures of the money which comes largely from local taxes *they* pay. Washington residents try at nearly every step to make their voices heard, but proposals or challenges of decisions historically have had little effect.

District Revenue. Local taxes include: property (effective rates comparable to those in nearby areas — current higher reassessments may change the comparison); sales — 1 per cent on food, 3 per cent on most sales, including restaurant meals; liquor and cigarette (both low but raised slightly in 1966 — subject in addition to sales tax); gasoline; income (sliding scale from 2½ per cent on the first $2,000 of taxable income to 5 per cent for $10,000 and over); motor vehicle tag; inheritance and estate; water and sewer charges, and others.

The District has no voice in expenditure priorities nor in what their tax effort will be. Powerful organizations and individual citizens wielding influence on Capitol Hill are often those who want low taxes. (There is no evidence that these groups or persons represent a majority of the local citizenry.) Even the commissioners have no voice in levying taxes except in fixing the property tax rate each year (at not less than a minimum imposed by Congress in 1954).

In addition to tax revenues raised in the District, Congress annually appropriates funds for operating the D. C. government. Over the years, as a percentage of D. C. general fund revenues, the amount has varied. From 1879 through 1920, it was 50 per cent. Since 1921, it has ranged from a high of 39.5 per cent in 1924 to a low of 8.5 per cent in 1954, wavering between 13 to 15 per cent from fiscal 1964 through 1967.

In the year ending June 30, 1966, only about 54 per cent of the value of real property was taxable. Not taxable were these property values: about 31.5 per cent owned by the federal government; 9.5 per cent by tax-exempt organizations, including embassies and chancellories and national headquarters of many tax-exempt organizations; nearly 5 per cent, D. C. property — public schools, parks, playgrounds, etc., corresponding to the usual tax-exempt real properties in other cities.

What's the Case for Self-government?

- The U. S. Constitution, Article I, Section 8, states Congress shall have the power to legislate for the District. Some opponents of D. C. self-government therefore argue that the Constitution forbids permitting the District to handle its civic matters. But the U. S. Supreme Court in 1953, in its unanimous decision in *District of Columbia* v. *Thompson Company,* held that Congress did have the power to delegate its law-making authority to an elected legislative assembly of the city. D. C. home rule bills have specifically provided that Congress would continue to legislate by amending or repealing municipal laws or by direct acts. Congress would retain these rights even if such language were omitted.

- Others say Congress should handle D. C. civic affairs to protect the national interest or because all the nation's people should control their capital. Home rule bills have, in sundry ways, protected the national interest. They have provided for presidential veto of D. C. legislation, for presidential power to call out the National Guard, for the National Capital Planning Commission to continue to plan redevelopment of the capital and conservation of its natural and historical features. In some foreign countries, with governmental traditions markedly less democratic, national capitals have elected officials and legislative bodies.

- Still others suggest providing self-government by retrocession of all but the federal area to the state of Maryland.

This plan has several flaws:

First, the territory originally ceded by Maryland to the United States could not be given back without the former's consent, which is not likely.

Second, the constitutionality of retrocession is questionable. About 30 square miles southwest of the Potomac was retroceded to Virginia in 1846. The constitutionality of this act was not raised until 1875. The Supreme Court then avoided a decision on the constitutional question, claiming too much time had elapsed and Virginia had had de facto control of the area for over 25 years.

Third, it is believed the 23rd Amendment to the U. S. Constitution would also probably need to be repealed, since it provides D. C. electoral votes for President and Vice President. The District remaining after retrocession of all but the federal area would have too few citizens, perhaps several hundred, to qualify for three electors, the minimum provided.

• Some say, since the federal government contributes so much to D. C. funds, Congress should have full control. (District citizens contribute to federal funds. With their high per capita income, residents pay federal income and other taxes in full measure.)

In fiscal 1965, in grants-in-aid plus the supplement to D. C. general funds, the federal government contributed 26.6 per cent to total D. C. general revenues from all sources. For the same period, there were 27 state governments which received in federal funds an equal or higher percentage of their total general revenues. Yet no one has suggested that the people of Oregon or Louisiana or New Hampshire or Nebraska or any other one of these 27 states should not elect their governors or state legislatures!

• Occasionally it is argued that D. C. citizens themselves do not want home rule. Residents have had a recent opportunity to express their preference in the 1964 presidential primary when the question appeared on the ballot. Of all those who voted in both party primaries, 77 per cent were in favor; of those voting on the question, 86 per cent were for home rule.

• The Negro majority of the D. C. population is ranked as the most significant factor in congressional and other opposition to home rule. The racial bias is rarely stated outright. In a nation which defends over the world the principle that people should govern themselves, it ought not be a requirement for citizens of any U. S. city to prove their capability. But if it is, these facts may be relevant:

The average adult educational achievement in Washington is exceeded in only 9 states. D. C. residents, both white and Negro, have demonstrated civic maturity and responsibility by vigorous participation in civic organizations. Both Negroes and whites have also served with distinction in responsible positions in the D. C. and federal governments.

• The cost for Congress to act as D. C. city council is exorbitant. Four committees hold hearings and consider the D. C. bills introduced. These are the 25-member House and 7-member Senate District Committees, and the House and Senate Appropriations District Subcommittees. According to the report of the House District Committee, during the 89th Congress it alone held 62 open hearings of full committee and subcommittees and acted on 318 bills. Forty-six of the bills became law. Total testimony before this one committee covered 3,745 printed pages, 339 pages of transcripts not printed.

• The most cogent argument for home rule is that it is just. What argument outweighs the right of U. S. citizens to elect their local governments and to have a voice in choosing those who make their laws?

What Would A Nonvoting Delegate Provide for the District?

A nonvoting delegate can be provided by an act of Congress. He could initiate legislation, offer motions and amendments, debate, serve on committees; he would have all the rights and privileges of House members except voting on the floor. He would fill a present vacuum. Congressmen, busy with national and international issues, must also be concerned about their constituents, cognizant of their wishes. They have little time left for D. C. affairs. A nonvoting delegate would serve as spokesman for D. C. needs and as an "information center" for other congressmen. He would also relieve congressmen of demands on their time by D. C. residents who now have no other people to see in their search for solutions to local problems.

Puerto Rico currently has a nonvoting delegate, as did Hawaii and Alaska before they became states. The District had such representation from 1871 to 1874.

How Could the District Achieve Voting Representation in Congress?

According to estimates of the Bureau of the Census for July 1, 1965, the District is more populous than 11 states. In order to provide the voting representation in Congress to which D. C. citizens are entitled, a constitutional amendment is required. The proposal must pass both houses of Congress by a two-thirds vote and be ratified by three fourths (38) of the states.

The President has proposed to the 90th Congress an amendment to provide one representative in the House and such other representation as Congress from time to time may provide. Several other proposals for D. C. voting representation in Congress have been introduced so far in 1967.

As the nation's showplace, Washington ought to be a showplace for what it is — the capital city of a great representative government. It should be a model for the principle of self-government to which its monuments are dedicated. The nation's capital should display the successful solution of local problems through the cooperation of citizens with their elected officials.

The League of Women Voters supports self-government and representation in Congress for citizens of the District of Columbia.

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LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

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Home Rule for the District of Columbia?

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But what District citizens think and say has had little impact on improving these conditions. They have no vote for their city government and their city officers have no ultimate power. American citizens who are represented in Congress should know about this anomalous situation in the nation's capital city.

Home rule, or more appropriately local self-government, would restore to citizens of Washington the privilege of voting for officials who would have the authority to enact and enforce laws relating to purely local affairs, the power to tax and to determine how local tax money should be allocated.

Home rule is a solution which has the overwhelming support of the majority of voters in Washington, and many local and national organizations.

Washington Had Self-Government before Reconstruction Era

Local self-government is not a new idea. For almost three quarters of a century after the city was granted a charter in 1802, Washington's citizens practiced local self-government as anticipated by the Founding Fathers.* They elected mayors and city councils of various types until the Reconstruction Era. In 1871 there were three separate jurisdictions within the District of Columbia: the City of Washington, the City of Georgetown, and the County of Washington. That year, Congress abolished these three separate governments. A single jurisdiction, the District of Columbia, was established in order that improvements in sanitation and other public works might be accomplished.

The new government, consisting of an appointed governor and a legislative assembly of two chambers, one appointed and one elected by popular franchise, was charged with the responsibility of providing the city with the public works it so desperately needed. In its haste to fulfill this charge and with insufficient fiscal guidance and financial assistance from the federal government, it brought the city to the edge of bankruptcy.

Washington in this period was emerging from the havoc of the Civil War and was developing into the major city it is today. Among its problems, then as now, was the question of how financial responsibility for the development of the national capital should be shared between the local and federal governments. There had been a good deal of

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bickering between Congress and the city governments as to responsibility for bearing the financial burden of educating the newly freed slaves who had come to Washington in great numbers in the preceding decade and there was some fear among the city's white population about the way Washington's newly enfranchised Negroes might use their vote.

Commission Government Intended as Temporary Measure

In 1874 Congress decided to take over administration of the city. It withdrew the local franchise and established the commission form of government as a temporary measure until the city could get back on its feet financially. This measure was made permanent by passage of the Organic Act of 1878, and essentially the same form of government operates in the District to this day.

Present Structure of the District of Columbia Government

At present, both legislative and fiscal responsibility for the District of Columbia rests with Congress. There are four congressional committees who spend all or part of their time on District affairs—the Committees on the District of Columbia in the Senate and in the House of Representatives, which consider all measures relating to District municipal affairs other than appropriations, and the Senate and House Appropriations Committees, which consider appropriations.

Congress has delegated limited authority to a board of three commissioners (one of whom is detailed from the Army Corps of Engineers), who are appointed by the President, and to many agencies whose members are variously appointed by the President, the Commissioners, or Judges of the District Court. The most important of these agencies are:

The National Capital Planning Commission, which is the central planning agency for the federal and District governments within the National Capital Region.

Redevelopment Land Agency, which administers urban renewal in the District.

National Capital Housing Authority, the District's public housing agency.

National Capital Transportation Agency, which was established in 1960 to prepare a transit development program for the National Capital Region.

The Chief of the Army Engineers, Department of the Army, who is responsible for the District's water supply.

National Park Service, which has exclusive charge and control of the park system.

Architect of the Capitol, who is an agent of Congress and has jurisdiction and control over the U.S. Capitol grounds.

Zoning Commission

Board of Zoning Adjustment, which can make exceptions to zoning regulations.

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Boards of Education, Elections, Library Trustees, and Recreation.

The District Commissioners are responsible for the agencies of the District government as follows:

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Commissioner of Public Safety (usually the president of the Board of Commissioners, who also has many ceremonial duties)—Metropolitan Police Department, Fire Department, Office of Civil Defense, Office of Recorder of Deeds.

Commissioner of Public Health and Welfare—Departments of Public Health, Public Welfare, Corrections, Insurance, and Vocational Rehabilitation; Board of Parole; Alcoholic Beverage Control Board; Minimum Wage and Industrial Safety Board; Office of Coroner.

Neither the Congressmen, the Commissioners, nor administrators of any of the agencies listed above, even those whose functions relate exclusively to the local community, are answerable to the citizens of Washington.

Home rule would transfer to a locally elected government the powers presently held by the Commissioners and the responsibility for purely local functions performed by such special agencies as the Boards of Education and Elections. To protect the federal interest and to ensure that Washington is a capital worthy of the nation, the other agencies would continue as federal organizations. Members of the locally elected government, representing the District interest, would have the positions in these agencies now set aside for the Commissioners.

Congress Legislates, Commissioners Administrate

Congress legislates for the District on all matters that have not been delegated to the District Board of Commissioners. The Commissioners administer the laws and supervise most of the administrative agencies of the District government. In the critical matter of finance, however, they may only set the rate of taxation on real estate; all other taxing and bonding authority is retained by the Congress.

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Does Congress "Foot the Bill" for Washington?

Since Congress plays such a central and crucial role in these budgetary procedures, many persons erroneously believe that Congress foots the bill for the City of Washington. The fact is that nearly 90% of the District's General Fund expenditures comes from money raised by local taxes. The General Fund finances the city's basic services (schools, libraries, police and fire protection, courts, corrections, welfare, sanitation, recreation, and the construction of public buildings for any of these purposes). However, Washingtonians have no official voice either in the levying of these taxes or in deciding how these revenues should be spent.

A part of the District's operating and maintenance budget is financed by federal money. The federal payment is compensation to the city for the fact that the federal government and tax-exempt institutions, such as embassies and national headquarters for many organizations, occupy more than 50% of the city's land but pay no taxes to the city. During the last decade, the federal payment has been small, hovering around 12%. From 1879 through 1920, 50% of the General Fund appropriation was paid by Congress and 50% from District taxes. Since 1921, however, the federal payment has fluctuated from a high of 39.5% in 1924 to a low of 8.5% in 1954.

Will Home Rule Mean Loss of Federal Payment and Increase in Local Taxes?

There is concern in some quarters that if Congress were to transfer revenue and budget functions to a locally elected council it would be disinclined to appropriate reasonable annual federal payments to the District and the tax burden on Washington's residents and businesses would necessarily increase. Supporters of self-government argue that the federal government's financial obligation to the District derives not from Congress's legislative responsibility for the District but rather from the role which the city plays as capital of the nation. Compounded with the fact that more than 50% of the city's land is tax-exempt is the fact that the city incurs extra expenses and its ordinary city functions cost more because it is the Federal City: it must pave wider streets, plant and care for more trees, help to keep more parks than most cities; plan for and clean up after parades for visiting dignitaries and on special occasions; it has thousands of tourists every year; it even finances the operation of the National Zoo!

As for the often-used argument that taxes will go up in the wake of self-government, it is noted that taxes have increased in Washington in the absence of home rule and that tax increases are common in cities throughout the country. Tax increase is not a problem that is unique to Washington, but taxation without representation is. Some forces are responsive to the "taxation without representation" complaint and propose as a remedy representation in Congress. Full representation in Congress can be granted, however, only by adoption of an amendment to the Constitution which requires action by Congress and ratification by the states. Local self-government, including a provision for a nonvoting delegate to the House of Representatives, can be achieved simply by an act of Congress.

Home Rule Is Constitutional

Questions have been raised as to the legality of home rule for the District of Columbia. This matter was settled in 1953 when the Supreme Court unanimously upheld the constitutionality of home rule. Its decision in the Thompson Restaurant Case confirmed the fact that Congress can properly delegate to a city council or legislative assembly the authority to pass laws for the District.

Protection of the Federal Interest in the District of Columbia

The status of Washington as the capital of the nation and the concentration of so many federal agencies here are factors in the home rule problem. Some opponents of home rule maintain that the federal interest might be overshadowed by the parochial interests of local residents and their elected representatives. On the contrary, the federal interest will be protected under any proposed form of home rule because ultimate legislative authority for the District will still rest with the Congress, as set forth in Article I, Section 8, of the Constitution of the United States.* Congress would still have the authority to initiate legislation for the District if it chose to do so or to veto any locally adopted legislation that threatens the federal interest. Recent bills have provided that the President have the right to veto any acts of a local government which might be contrary to the federal interest. Further limitations have been written into home rule proposals to the extent that the local government would have no authority with respect to federal agencies beyond that which the Commissioners have at present.

Home Rule Could Mean Better Government

Would the federal interest and the interests of good government be served better if Congress relieved itself of the duties pertaining to the formulating of laws for the ninth largest city of the United States? Local needs of a large city require local attention and study to provide effective local government. Most members of Congress cannot devote themselves to the District and its problems—they simply do not have the time to give Washington the attention it needs because of the volume and complexity of legislation affecting their own districts, states, the nation, and the world. Since city councilmen would not have these other weighty responsibilities, it could be expected that their time and energies would be devoted to the problems of the city and its residents.

Support for Home Rule

The Senate of the United States has passed bills to give the District of Columbia home rule five times since 1948. The Truman, Eisenhower, Kennedy, and Johnson Administrations have all endorsed home rule for the District, as have the two major national political parties. Although the House District Committee has never given the House of Representatives the opportunity to vote on these bills, repeated surveys of House members indicate there seems to be sufficient sentiment in favor of home rule to permit the passage of a bill if one were permitted to come before them.

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Is Opposition Justified?

The civil rights aspects of home rule were recognized by the inclusion of a demand for full enfranchisement

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March 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

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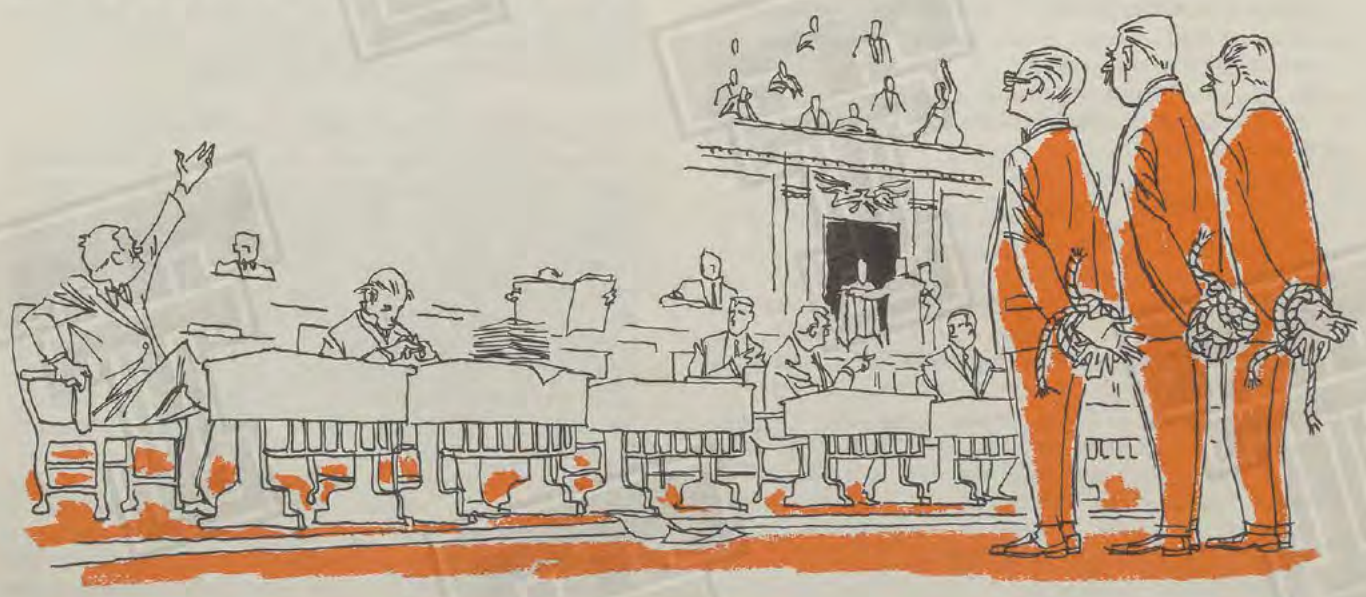

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of all citizens in the nation's capital in the historic March on Washington for Jobs and Freedom, August 28, 1963. Negroes are a majority in Washington — 53.9% according to the 1960 census — and this fact is said to be a significant factor in congressional and other opposition to home rule. Undoubtedly, some of the present opposition has its roots in attitudes that grew out of the Reconstruction Era and the poor fiscal administration by the territorial government.

But present-day Washington's electorate is well-qualified to choose its own officials. The average number of school years completed by Washington residents aged 25 years and over is 11.7. Only nine states surpass this level of educational attainment. Washingtonians, both white and Negro, have repeatedly demonstrated their civic maturity and pride in the capital city by their vigorous participation in civic organizations and many, both white and Negro, serve with distinction in responsible positions in the present District government.

The Bureau of the Budget has carefully scrutinized the fiscal provisions in home rule legislation and has endorsed them as sound. There is no reason to believe that home rule would mean financial irresponsibility. Among the fiscal safeguards written into the bills are: limitations on the amount of bonds which may be outstanding at any time; a limitation on the amount of borrowing which may be undertaken without the assent of the voters; and an independent audit of the local government's books by the General Accounting Office.

Home Rule in the 88th Congress

For the first time in nearly five years, the House D. C. Committee heard testimony on proposals for home rule in November 1963. A bipartisan statement supporting home rule, signed by more than 50 Congressmen, was filed with the Committee and strong testimony favoring the mayor-council bill was presented by the President of the Board of Commissioners, the Attorney General of the United States, the Deputy Director of the U. S. Budget Bureau, and a few of the many representatives of civic groups who were waiting to testify. In spite of the strong statements presented by these witnesses, Committee members expressed much interest in a bill which would retrocede most of the District to Maryland, claiming this would provide fullest enfranchisement for Washingtonians. However, the device of retrocession is of questionable constitutionality.

The hearings were recessed abruptly, to be resumed at the call of the chairman. Further hearings were not held. In May 1964 the League of Women Voters of the District of Columbia and the League of Women Voters of the United States, along with the Washington Home Rule Committee and many civic organizations, filed statements in support of home rule and joined in an effort to urge the chairman to close the hearings and report a bill. There was no response.

Home Rule in the 89th Congress?

In his message of February 2, 1965, President Johnson urged the 89th Congress to enact legislation at "the earliest possible date" granting the right of self-government to the District of Columbia. The following excerpts are from that message:

"Our federal, state, and local governments rest on the principle of democratic representation — the people elect those who govern them. We cherish the credo declared by our forefathers: no taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.

"Yet the citizens of the District of Columbia . . . have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights . . . .

"Self-government for the District would not be an innovation. It is a return to the views of the Founding Fathers and to the practice of the early days of the nation. . . .

"There is a fundamental federal interest in the national capital. The Constitution wisely delegates to the Congress supreme legislative power over 'the seat of the Government of the United States.' The Congress can, however, delegate to a municipal legislature all the powers necessary for local self-government, and at the same time preserve fully its ultimate power and the interests of the federal government."

Several bills have been introduced in the 89th Congress to provide local self-government for the District of Columbia. On March 9 and 10 the Senate District of Columbia Committee held hearings at which a representative of the President, the District Commissioners, and spokesmen for national and local organizations expressed support. The Senate seems to be moving towards passage, for the sixth time, of a home rule bill.

Action in the House of Representatives depends to a large degree on whether citizens in other parts of the country let their Representatives know how they feel about the local government situation in the nation's Capital City.

The League of Women Voters supports self-government and representation in Congress for citizens of the District of Columbia.

SUGGESTED READING

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No. 8, APRIL 1967
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FOR CR CHAIRMEN AND THEIR COMMITTEES

APPORTIONMENT

In the 90th Congress (1967-1968), so far there have been several House Joint Resolutions for constitutional amendments relating to apportionment of state legislatures. These range from proposals to allow apportionment of one house on factors other than population upon approval by the voters, to providing exclusive power to states to apportion their legislatures, and forbidding jurisdiction to federal courts in matters of legislative apportionment. All of these proposals have been referred to the House Committee on the Judiciary. Senator Dirksen may propose a resolution similar to SJR 103, which was defeated on April 20, 1966 (See memos on apportionment, March 29 and April 22, 1966), or he may propose a call for a constitutional convention.

Current Action in State Legislatures. Hurried and unpublicized activity has arisen in a number of state legislatures to demonstrate support for a proposed constitutional amendment permitting apportionment of one house of state legislatures on factors other than population.

In December 1964, a committee of legislators belonging to the National Conference of State Legislative Leaders drafted a resolution:

> "Section 1. That the Congress of the United States is respectfully petitioned by the _____ State Legislature to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:
>
> Article --
>
> "Section 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, providing that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of the State.

Your League could have action committees that never meet, really, each of whose members are committed to supporting specific positions. Every local League member ought to be on several such committees, and can discuss the problems with her circle of friends and acquaintances. It is just as easy to bring up a topical, important issue as it is to talk about what Johnny did in school or that trip to Canada.

The national League now provides a "Time for Action" service for members. Leagues may subscribe for copies for telephone committees. The more members who have subscriptions, the more members likely to respond.

Community Action. Widespread distribution of League materials--in libraries, schools, to contributors, to like-minded organizations, at meetings--help to acquaint the community with the issue. Some libraries have show cases or bulletin boards for League displays at strategic times.

Use of the news media, the speakers' bureau, special campaigns, clippings sent to your congressman to show the community interest--these are other ways to promote action. Community workshops (if possible, co-sponsored by another group with the same goals) can get a wider-than-the-League audience. Some Leagues have prepared timely displays for the store window of a sympathetic businessman. A "man-on-the-street" questionnaire with questions about a timely issue may also make a good newspaper story, interesting not only to those quizzed but also to an extensive local audience.

The wider and more varied the approaches to action, the better the chances of promoting citizen participation. More League members will become involved, since the variety of skills needed will present a wider spectrum of challenges. Some people like to write letters; others, to design attractive displays; others, to meet people (the speech makers and the questioners); and still others, to work with statistics (the questionnaire tabulators).

The challenge in a government like ours is that it is as good as we deserve. Sustained and imaginative efforts are vital if we are to achieve our CR goals.

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"Section 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned." (Another section follows pertaining to ratification by three-fourths of the states within seven years.)

As the 1965 state legislatures began meeting, suddenly and without publicity the resolution was passed and submitted to the 89th Congress (1965-66). The following 26 state legislatures in their 1965 or 1966 session, 17 of them by June 1, 1965, passed such petitions:

Alabama	Kansas	Missouri	North Carolina	Utah
Arizona	Kentucky[2]	Montana	Oklahoma[2]	Virginia
Arkansas	Louisiana	Nebraska	South Carolina	
Florida	Maryland	Nevada	South Dakota	
Georgia[1]	Minnesota	New Hampshire	Tennessee	
Idaho	Mississippi	New Mexico	Texas	

Early in March 1967, Colorado, Illinois, Indiana and North Dakota (all apportioned on population for the 1967 legislative sessions) passed the resolution for submission to the 90th Congress. Washington and Wyoming, after passing quite different resolutions in the 1963 session, failed in the 1965 session to pass also the "other factors" resolution. Alaska, California, and Rhode Island, failing also to pass resolutions for a constitutional convention, in 1965 petitioned Congress to propose a similar amendment.

Thirty-three state legislatures by April 5, 1967, had passed resolutions petitioning Congress either to call a convention or to propose an amendment to allow one house to be apportioned on "other factors." Of this total, 27 were not apportioned substantially on population at the time of passage.

Effect of the Resolutions. Article V of the Constitution provides that Congress: (1) by a two-thirds vote of both Houses, or (2) on the application of the legislatures of two-thirds of the states, shall call a convention for proposing amendments which, when ratified by three-fourths of the states, shall be valid. Thirty-four states would have to submit petitions to meet the requirements of method (2).

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[1] Georgia has not yet sent its resolution to Congress.

[2] Oklahoma was reapportioned by the federal district court before the 1964 elections; Kentucky's apportionment of 1963 has not been challenged. These two states are counted as apportioned substantially on population.

There is no precedent for calling a convention on applications of the states. Thus, several questions arise, the most cogent of which are: May a constitutional convention be called for the purpose of proposing one amendment already drafted and may it be so instructed? Are these petitions, unless they call for a general, deliberative convention, constitutionally valid? Can the states determine whether ratification shall be by legislatures or by conventions within the states?

The purpose of these legislative efforts seems to be to show evidence of support for apportioning one house of state legislatures on "other factors." Passage of the petitions in almost every instance from the very beginning without hearings, without adequate debate, and without much warning may indicate that legislatures are not certain of popular support and are not considering the proposal on its merits.

Status of Apportionment in the States. The chart on pages 4-6 indicates the status of state compliance with the U. S. Constitution as interpreted by the Supreme Court decisions (Reynolds v. Sims, 1964; Lucus v. Colorado, 1964). The rapid conformity to legislative apportionment substantially on population is fairly evident.

Selected Readings

Congressional Quarterly Background, REPRESENTATION AND APPORTIONMENT, August 1966. 94 pp. $2.00 Congressional Quarterly Service, 1735 K Street, N.W., Washington, D.C. 20006
A complete review of apportionment. Extensive bibliography.

Boyd, William J.D., "Representation," NATIONAL CIVIC REVIEW, February 1966, pp. 95-103. 50¢. National Municipal League, 47 East 68th Street, New York, 10021
State-by-state recap of apportionment in the 50 states.

Annotations for chart, pp. 4-6.

*Classic case: Baker v. Carr (Tenn.), 1962; leg. plan approved by FDC Nov. 15, 1965, challenged on subdistricting; USSC (May 16, 1966) ordered "at large" elections in 4 counties. Nov. 1966, voters approved legislative subdistricting plan. (USSC in original case held leg. apportionment judiciable.)

Reynolds v. Sims (Ala.), 1964. USSC held leg. apportionment must be substantially on population.

Lucas v. Colo. (Colo.), 1964. USSC held a vote of the people cannot deny a citizen his right to representation substantially on population in state legislatures.

[1] Abbreviations used in Table, pp. 4,5,6.

Appt. - Apportionment	leg. - legislative
apport'd - apportioned	Sen. - Senate
Com. - Commission	SC - State Court
Con. Conv. - Constitutional Convention	SSC - State Supreme Court
FDC - Federal District Court	USSC - United States Supreme Court
pop. - population	

Reapportioned Legislatures -- Status, March 15, 1967

State	Latest Apportionment[1]	Sen. Size	House Size
*Ala.	Oct. 4, 1965. FDC approved leg. Senate plan, substituted own House plan.	35	106
Alaska	May 20, 1966. SSC approved leg. House plans; apport'd Senate according to Governor's plan.	20	40
Ariz.	Feb. 2, 1966. FDC apportioned.	30	60
Ark.	Nov. 4, 1965. FDC approved Board of Appt. plan. Single and multi-co. districts. Upheld USSC.	35	100
Calif.	Jan. 11, 1966. SSC approved leg. plans. (Legislature added pension plan for unseated legislators; Governor refused to sign. Apport. corrections of plan approved SSC.)	40	80
*Colo.	May 27, 1965. Leg. plan signed by Governor (differs slightly from SSC approved plan, 1964). Nov. 1966 -- voters approved single-member districts.	35	65
Conn.	Jan. 26, 1966. (Temporary to '70). Con. Conv. plan approved by voters, Dec. 14, 1965. FDC (Jan. 26, '66) approved Con. Conv. plan.	36	177
Del.	June 1, 1966 -- leg. plan. Invalidated by FDC. Jan. 8, 1967 - FDC ordered legislature to reapportion by Jan. 10, 1968.	18	35
Fla.	Feb. 8, 1967--FDC apport'd. (March 18, 1966, FDC approved leg. plan; Jan. 19, 1967, USSC reversed. New elections, March 28, 1967, for 1967 session.)	48	119
Ga.	April 1, 1965. FDC approved leg. plan. Temporary, under court order to apportion before 1968.	54	205
Hawaii	April 25, 1966. USSC approved leg. plan, temporary; Nov. 1966, voters approved Con. Conv.--primary job, to devise an apportionment plan. (USSC approved registered voters as base, finding it in Hawaii not discriminatory.)	25	51
Idaho	April 1, 1966. FDC approved leg. plan.	35	70
Ill.	Aug. 25, 1965. SSC and FDC apport'd Senate. Dec. 4, 1965, House Apport. Commission apport'd House. Elections at large, 1964 election.	58	177
Ind.	Nov. 18, 1965. FDC approved leg. plan (allowed no more than 10% deviation).	50	100

[1]See footnote, p.3.
*See footnote, p.3.

State	Latest Apportionment	Sen. Size	House Size
Iowa	April 15, 1966. SSC approved leg. plans. Oct. 10, 1966, USSC refused appeal. Must subdistrict both houses for 1968 elections.	61	124
Kansas	March 23, 1966. SSC and FDC approved leg. plans. Senate must apportion by April 1, 1968.	40	125
Ken.	1963 leg. plan not challenged.	38	100
La.	Dec. 1966, legislature drafted new plan. FDC approved. Further challenge pending.	39	105
Maine	Jan. 27, 1966. House apport'd. Nov. 1966, voter-approved plan for Senate.	34	151
Md.	Jan. 11, 1966. SC of Appeals approved leg. plan. (Court chose between 2 plans passed by legislature. FDC upheld. USSC refused appeal. Con. Conv. to meet in 1967.)	43	142
Mass.	SSC forced appt. in 1963 (always based essentially on population. Small changes may have to be made.)	40	240
Mich.	May 26, 1964. SSC apport'd. Upheld in 1966.	38	110
Minn.	May 18, 1966. Leg. plan (special sess.) upheld FDC.	67	135
Miss.	March 2, 1967 -- FDC apportioned (leg. elections, 1967). March 28, 1967 -- FDC rejected appeal.	52	122
Mo.	Jan. 14, 1966. Guidelines approved by voters. Com. each house, appointed by Gov. Com. plan accepted by courts for 1966 elections.	34	163
Mont.	Aug. 6, 1965. FDC apport'd. Nov. 1966 referendum allows legislature to use single-member districts.	55	104
Neb.	Feb. 10, 1966. FDC approved leg. plan.	49	(unicameral)
Nev.	March 21, 1966. FDC approved leg. plan	20	40
N.H.	June 30, 1965. Leg. plan signed by Gov. (Con. Conv. revised apportionment of both houses.)	24	400
N.J.	Nov. 1966. Voters approved Con. Conv. plan of June 10, 1966, replacing temp. plan of April 1965. SSC earlier invalidated 1 Sen. per county plan of 1964. (Court case pending to test constitutionality of voter-approved plan.)	40	80
N.M.	March 17, 1966. FDC apport'd Senate for 1966 elections. House apport'd by legislature.	42	70

State	Latest Apportionment	Sen. Size	House Size
N.Y.	March 22, 1966. SC of Appeals ordered plan and selected Com. Con. Conv. now meeting.	57	150
N.C.	Feb. 18, 1966. FDC approved leg. plan for 1966 elections.	50	120
N.D.	Aug. 10, 1965. FDC apportioned.	49	98
Ohio	Oct. 27, 1965. FDC apport'd. Single-member districts. Court challenge pending.	33	99
Okla.	Jan. 24, 1965. Legislature enacted same plan as FDC apportionment of 1964.	48	99
Oregon	1961. (long used pop. base. Minor changes ordered by court by 1968).	30	60
Pa.	Feb. 4, 1966. SSC apportioned.	50	203
R.I.	May 1966. Leg. plan passed over Gov.'s veto. Con. Conv. now meeting.	50	100
S.C.	Feb. 28, 1966. FDC approved leg. plan as interim plan. Under court order to apportion by 1968.	50	124
S.D.	March 13, 1965. Leg. plan signed by Governor.	35	75
*Tenn.	Nov. 15, 1965. FDC approved leg. plan. Minor changes pending.	33	99
Texas	Feb. 2, 1966. FDC approved leg. plan, for '66 elections. Feb. 20, 1967, USSC required variations between districts to be substantiated.	31	150
Utah	July 3, 1965. FDC approved leg. plan.	28	69
Vt.	June 24, 1965. FDC approved leg. plan.	30	150
Va.	April 9, 1965. FDC and USSC approved leg. plan. Special election, Nov. '65. All legislators must run in 1967.	40	100
Wash.	March 9, 1965. FDC approved leg. plan.	49	99
W.Va.	Feb. 17, 1964. Special session plan, under order of SSC; not challenged.	34	100
Wis.	May 25, 1964. SSC apportioned.	33	100
Wy.	Oct. 8, 1965. FDC approved leg. plans for House, apportioned Senate.	30	61

DISTRICT OF COLUMBIA

On October 10, 1966, the final effort in the 89th Congress to achieve self-government for the District of Columbia was defeated. The motion to invoke cloture (to forestall filibuster) on the home rule amendment (to amend S3037, the Higher Education Amendments of 1966) was 11 votes short of the two thirds needed. Senator Morse therefore moved to table his amendment. For full details, see Time for Action, September 8, 1966, and Report from the Hill, District of Columbia and League Action, November 14, 1966.)

Current Developments. President Johnson, on February 27, 1967, sent a special D.C. message to Congress. In it he outlined a three-point program for the District: home rule, reorganization of D.C. government, and representation in Congress.

Most Capitol observers feel that a strong home rule bill will not pass the 90th Congress. While efforts to arouse interest in the 50 states for D.C. self-government must continue, League legislative goals more likely of accomplishment in 1967 and 1968 are:

1) a nonvoting delegate for the District (to function until D.C. citizens have voting representation and to provide biennial elections. A nonvoting delegate may serve both as a clearing house for D.C. problems and as a D.C. information center for all congressmen. Such a delegate may be provided by simple federal legislation. All nonvoting delegate bills are referred to the District committees.

2) voting representation. Voting representation in Congress for the District requires passage of a constitutional amendment proposal by both houses of Congress by a two-thirds vote and ratification by three fourths of the states (34 of 50 states). Such proposals are referred to the judiciary committees of both houses. The process of implementation takes considerable time -- often five or six years or more from the time of congressional passage to ratification by the required number of states.

The President's proposal for an amendment, HJR 396, introduced by Representative Emanuel Celler (D.,N.Y.), chairman of the House Judiciary Committee, proposes that the District shall elect at least one representative and one or more additional representatives or senators, or both, up to the number to which the District might be entitled if a state. Other proposals now in the judiciary committees vary from providing such representation as Congress may decree by law to providing as many representatives as the District would have if a state and one or two senators as Congress might decide. HJR 396 would guarantee at least one representative by ratification by three fourths of the states.

Reorganization of the D.C. Government. The President's plan for reorganization of the District government is not a proposal for self-government. Therefore, the League of Women Voters of the United States can neither support nor oppose it. The League of Women Voters of the District, however, since the proposal affects its local governmental structure, can have a position. On April 1, 1967, the District League did come to consensus on an emergency program item to support the principle of a chief executive and a council for its local government

The present government is an appointed commission form with three commissioners, each responsible for the administration of certain aspects of city government. They operate both as administrators and, to a limited degree, as policy makers. The President's proposal is for an appointed chief executive with administrative powers and an appointed council, both with the same limited functions of the present commission.

When the President's proposal is submitted, it goes to the House and Senate Government Operations Committees, not to the District Committees. The procedure differs from that for ordinary legislation. A bill dies if it is not reported out of committee. A reorganization plan takes effect automatically 60 days after it reaches Congress (unless it is brought to the floor and disapproved by a majority vote in either house).

Possible League Action. League action for both a nonvoting delegate and for voting representation may be needed in the 90th Congress. Hearings in the District committees may be held for nonvoting delegate bills and in the judiciary committees for constitutional amendment proposals for voting representation.

Leagues will be alerted when the time comes for appropriate and effective action.

League Materials

Facts & Issues -- Washington: The Nation's Showplace? April 1967, 15¢

Selected Readings

New Republic, April 23 and 30, 1966, Washington, The Lost Colony, Andrew Kopkind and James Ridgeway.
A discussion of problems in the District, citizen frustrations.

The Reporter, August 11, 1966, The Negro Stake in Washington Home Rule, Martin F. Nolan
An account of local efforts to win home rule.

Holiday, February 1967, Wayward Washington, Russell Baker.
A colorful account of what life in the District is like.

TAX RATES AND TREATY MAKING

The League positions on opposition to constitutional restrictions on tax rates, and to constitutional changes that would limit the existing powers of the President and Congress over foreign relations relate to constitutional, not legislative, restrictions. Thus the League tax-rate position, in and of itself, does not oppose action which the elected representatives and senators in Congress might take legislatively to lower the income tax or not to levy it at all.

For the past several years, in each session of Congress, Rep. Utt (R.,Calif.) has introduced the text of the so-called "Liberty Amendment" in the House (in the first session of the 90th Congress, HJR 23, referred to the House

Committee on the Judiciary). These proposals are attempts to use one method of amending. At the same time, the Liberty Amendment Committee has been endeavoring to persuade state legislatures to use the second method (Article V, U.S. Constitution). To date the legislatures in seven states -- Georgia, Louisiana, Mississippi, Nevada, South Carolina, Texas, and Wyoming -- have passed the resolution in identical form. The text of both resolutions follows:

> Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.
>
> Section 2. The constitution or laws of any state, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.
>
> Section 3. The activities of the United States Government which violate the intent and purpose of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.
>
> Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates and/or gifts.

State Legislative Action. In the 1966 and 1967 state legislative session and before interim legislative committees, highly financed attempts to obtain legislative passage for this proposal have transpired in several states, among them, Arizona, California, Delaware, Florida, Idaho, Nebraska, North Dakota, Oklahoma, Pennsylvania, and Utah. State Leagues in these areas have acted in a variety of ways: statements at hearings, distribution of materials, public information, careful watching. Sometimes, when there has been committee action to defeat, transfer to a more favorable committee has been inaugurated.

Plausible Misinformation. The Fact Sheet, published by Willis E. Stone of California, also publisher of the bi-monthly Freedom Magazine of the Liberty Amendment Committee of America, lists over 700 "Federal Government's Corporate Activities." But an explanation goes on to say, "Listing here does not imply the abolition of legitimate functions. The Liberty Amendment applies only to activities not specified in the Constitution."

The Constitution in Article I, Section 8, provides that Congress shall have the power to "...provide for the common Defence and general Welfare of the United States." It is not difficult to make a case for the necessity of governmental activities as essential for defense or the general welfare.

The Liberty Amendment supporters argue for imputing to Congress "express" rather than "implied" powers. In the first session of Congress in 1789 during the debate on the 10th Amendment, the intent to include implied, as well as express, powers in the Constitution was clear. The 10th Amendment as adopted reads: "The powers not delegated to the United States by

the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people." A motion to add "expressly" before "delegated" in the wording was defeated. Further, in 1819, Chief Justice John Marshall, in the opinion which sustained chartering of the Bank of the United States and struck down Maryland's tax on the notes of the Baltimore branch, stated Congress has "implied powers" it can use to carry out its express powers.

Some of the corporate activities listed in the Fact Sheet index include:

Social Security Administration	School Lunch Program
Soil Conservation Service	International Cooperation Administration
Tennessee Valley Authority	Export-Import Bank
Food for Peace	Federal Housing Authority
Federal Reserve Banks	Howard University
World Bank	International Monetary Fund
United Nations Children's Fund	National Capitol Planning Commission
National Park Service	Rural Electrification Administration
Parcel Post	Postal Savings System
	Forest Service

Fact Sheet No. 167, relating to the Maritime Administration, implies that private enterprise alone raised the American merchant marine to top rank. "When the blight of political control was removed /after the Revolutionary War/, private American enterprise built American merchant shipping to first place in the world. Then, on September 7, 1916, with the creation of the U.S. Shipping Board, the blight of political control was again fastened on our shipping and shipbuilding industries."

As a matter of record, maritime subsidies to private U.S. ships began in 1789, when Congress provided in the first tariff act that goods imported into the United States on American vessels should have a 10 per cent reduction in tariff duties and a favorable rate on tonnage taxes. In 1845 Congress authorized steamship line mail subsidies, which continued sporadically until 1928. It is inaccurate to say that private enterprise until 1916 alone developed the American shipping industry.

In any event, any legislation undesirable or not in the public interest may be repealed by elected congressmen. To freeze into the constitution specific limitations on the powers of Congress to tax, provide for the common defense, or promote the general welfare might be catastrophic for defense or for the economy.

The Hierarchy of Law. To limit the power of the President and Senate (which represents all states equally) to making treaties or domestic agreements not in conflict with the constitution or laws of any state would upset the hierarchy of law maintained since ratification of the Constitution. (The U.S. Constitution takes precedence over all law and state constitutions, followed in order by federal law, state constitutions, state law, local charters, local law or ordinances.) Under the proposed Liberty Amendment, no matter what treaty might be ratified by the Senate or what federal law might be passed, if a state believed it involved a "business" enterprise not specified in the Constitution, state constitutions or state law could

make it ineffective. Such a constitutional amendment would give states the right to pick and choose which federal laws they wished to follow, and would lead to the most dangerous kind of divisiveness among them.

James Madison, in The Federalist No. 44 (New York Packet, Friday, January 25, 1788), in explaining the necessity for supremacy of federal treaties to state constitutions or state law, says:

> "... as the constitutions of the States differ much from each other, it might happen that a treaty or national law, of great and equal importance to the States, would interfere with some and not with other constitutions, and would consequently be valid in some of the states, at the same time that it would have no effect in others.
>
> "In fine, the world would have seen, for the first time, a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society everywhere subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members."

This explanation of the necessity for the present constitutional provisions relative to treaty making is today the best argument against Section 2 of the proposed "Liberty Amendment."

For example, there are treaties among the United States, Canada, and Mexico relative to migratory birds that fly across their borders. Wild geese come from Canada and migrate across the United States on their way south. To preserve enough birds for hunters in all these countries, hunting is restricted by federal game regulations.

Since the money from federal stamps that hunters must purchase buys land for game preserves, a state could argue that such federal buying of land constitutes a business and could refuse to honor federal hunting regulations now conforming to international treaties. Hunters on the extremes of the flyways could, under state law, decimate the flocks, perhaps making the species extinct! Even more damaging, the authority of the United States government to enter into any international agreements would be dangerously impaired.

LOYALTY-SECURITY

(See NATIONAL BOARD REPORTS,
May 1966, pp. 45-47;
September 1966, p. 28.)

THE CONTINUING RESPONSIBILITIES--DISCUSSION AND ACTION

Annual reports of local Leagues express some League dissatisfaction with handling of the Continuing Responsibilities. If a League position is on the front burner, interest is livelier. An election campaign or a petition drive mobilizes the efforts, offers opportunities for the wide range of talent in every local League. The original study tends to be more exciting than keeping up with and acting on an "old" position. Yet, effective solution of the unsolved problem reflected in a CR depends on informed members and on a plan for generating response to the appropriate time for action.

From the suggestions that follow, Leagues may find useful approaches from which to select, according to their womanpower and workloads.

CR Committees. Old Hands--or Neophytes? Leagues have in some cases used only new members on the CR committee. They learn how we arrived at our position, the history of our action, and the possibilities for future effectiveness.

On the other hand, Birmingham-Bloomfield, Michigan, involved 12 past local League presidents who had been active in one or another of the original studies. These women added local League historical and humorous sidelights.

Objectives in Keeping the Members Informed. There are really two closely related aims in reviewing League responsibilities: 1) keeping the members and the community informed of the problem so concerted action will take place at the appropriate time; 2) providing for intelligent decision at program-making time. Leagues should not recommend on the basis of not knowing enough about the position; rather, they should consider whether it still applies, has a reasonable possibility for accomplishment, reflects the League's current opinion.

WAYS TO REACH THE MEMBERS

Orientation Meetings. New members, and also those of longer standing, can be involved in a variety of ways in orientation meetings. New members can be provided with:

1) National Continuing Responsibilities, 1966-68; Washington: The Nation's Showplace?, April 1967; National VOTER articles: May-June 1965, July 1965 (insert), November-December 1965, January 1966, September 1966, March 1967. Let them present an "orientation" for the entire membership. They are thus learning both the League position and the discussion techniques, and are learning by doing.

A Provisional League in Putnam Valley, New York, divided its members in attendance into two teams. After the presentation, the teams answered a questionnaire on the CRs. Winners were given seed packets as prizes. The Provisional League of Brick Town, New Jersey (and an "old" League in Salem, Oregon), used a Huntley-Brinkley format with great success.

2) Small informal workshop or "kaffee klatsch" meetings can be fun, involve many members, add a meeting without infringing on tightly scheduled unit time.

3) Larger orientation meetings, staffed by informed leaders, can present the CRs in a way to generate discussion.

Bulletins and Publications. Many League bulletins have chosen the catchy article, the short quiz, a challenging story to spark interest in meetings. If, however, no meeting is scheduled, a series of short articles with provocative titles or illustrations, or quizzes (one League used a poem!) can be published in successive bulletins both to update the members and to encourage them to read member publications. Mention of related National Voters may prompt Leaguers to keep and reread the pertinent articles.

Most Leagues provide a variety of opportunities to purchase publications. Some Leagues include in their dues a figure for a subscription service including such materials. Others display newer League publications at every meeting, spotlighting those most pertinent to the next meetings.

Unit or Membership Meetings. Meetings may be scheduled for CR discussion or as a part of the biennial national-program-making meetings. For these, techniques suggested for orientations are also in order. Parodies, skits, introductions which involve members with one or no pre-practice sessions are fun and get the meeting off to a lively start.

A two-act musical skit, Greek chorus style, was presented in Hamden, Connecticut. It used cue questions in verse for song responses from the unit members. Equally successful was the "treasure hunt" held by the League in Defiance, Ohio. Newspapers and magazines clippings were posted with identifying numbers. Each member, provided with a list of the CRs, related the clips to the appropriate CR.

The Jefferson County League in Colorado varied the usual scoring on a CR quiz. It compiled average scores for members of more than two years standing, of less than two years, and for guests. "The results were put in the membership mailing to show how membership in the League helps to keep us informed."

Many Leagues use program-making meetings as the only time for CR discussion. One League used tags to seat members in small groups. Then roving panels moved from group to group. This plan sparked involvement in the small-group settings.

One League had a mock interview with a "congressman" as an opener, with the "congressman" not always in agreement with League position. It not only demonstrated how the interviewer skillfully handled such differences of opinion but also paved the way for subsequent discussion of reasons for League positions.

A useful technique for unit or general membership meetings is to pose the arguments of those holding views differing from League positions: e.g., Apportionment -- counties should be represented in state legislatures as senators represent states in the Congress; Loyalty-Security -- people who have nothing to hide don't mind being interrogated.

WAYS TO REACH THE COMMUNITY

Speakers' Bureaus. A corps of well-informed Leaguers is not enough to assure a successful speakers' bureau. Persistence, imagination, planning ahead,

careful selection of what to offer whom, and successful advertising are prerequisites to get speakers before audiences. To have a League member as the principal speaker on a civic club program requires advance preparation. Most such club dates are scheduled a year in advance

League speakers often overemphasize League position and how the League arrived at it. It is far more effective to describe the problem, discuss the possible solutions, and give the reasons for the "best" solution. An interesting, brief presentation can get the point across better than a recital of League history. The goal is to elicit support on an issue, not community understanding of League procedures. Challenging introductions, praise of a recent project sponsored by your audience -- these are worth careful preparation.

Short, five-minute talks with timely materials to distribute can usually be scheduled on short notice. Such talks should not exceed the time limit.

Some Leagues have become such professionals in the speaking circuits that they charge a nominal fee. Sometimes people don't value a service unless they pay for it.

Newspaper Stories, Letters to the Editor. When a story is newsworthy, an article may be welcomed by the editor of your local paper. If you have been unable to develop good rapport with the newspaper, try to assess why and let the new president or item chairman make an affirmative approach, as if no one had been rebuffed before. (Timely letters to the Editor are also useful.)

A personal visit to the editor with your story neatly typed (always double or tripled spaced), carefully edited to be sure it is clear, interesting, and objectively phrased, can pay dividends. (News writers avoid long sentences.) If the editor makes suggestions, be amendable to making changes that do not distort your message. Examine titles and stories previously published in the paper. Be guided by length and style of what it prints.

TV and Radio. If you have regular radio or TV time, selecting the newsworthy time can create community interest. For example, you might have a program at the proper time that begins: "Currently in Washington the House District Committee is holding hearings on several proposals..." Your presentation need not be related to news that appears in your paper, but it should be timely.

Radio or TV stations may give you public service time to explain an issue in the news. Also, a carefully phrased letter, including timely material, to a news commentator who discusses public issues in some depth may prompt him to use it for a broadcast.

LEAGUE ACTION ON CONTINUING RESPONSIBILITIES

Letters to Congressmen. Often the only local League action on a "Time for Action" is a letter from the League president. A "Time for Action" appears sometimes to freeze the response to the minimal official letter. It should be a climax, not an anticlimax, to all League work in study and discussion, and in the difficult process of arriving at consensus.

Some Leagues, when a "Time for Action" comes at the right moment, take 20 minutes of meeting time to draft letters. Advance preparation is needed here--a supply of different kinds of plain stationery and matching envelopes, assurance that members are up to date on the position so that a brief explanation of the legislation will spark the writing.

Such an exercise provides opportunities for general "do's" and "don'ts"[1];

> Do include commendation of the law-maker if he supports your position.
>
> Do make the letter short, personal, in your own words.
>
> Do select from the reasons for support or opposition those which appeal most to you. There is no need to cover the whole gamut of good reasons.
>
> Do write your own views, even if they differ from League position, but don't negate League effort by identifying yourself as a member or by mentioning that you disagree with League position.
>
> Don't begin with "The national League (or the state League) has asked us to write ...". The League is only providing information about the appropriate time to write in effective support of your own consensus. To start with a sentence indicating an order from the national or state League denies the whole democratic consensus process.

A telephone alert can be set up for those "Times for Action" that come, alas, just after a meeting. Members are often more interested in some program items than in others. A check sheet to indicate to which CRs each member wants to respond, and a person for each responsible for calling these people, will multiply your member responses. Many less-active Leaguers may volunteer to call a short list of names, say, each time there is a "Time for Action" on apportionment.

The committee chairman can find out who is interested and who was involved in the original study for each CR, and keep action lists. Many Leagues send out questionnaires. Included might be League positions for the member involved in the original study to check. Then those members not in regular attendance may be added to the telephone rolls.

No doubt everyone has had calls with distinctly negative overtones suggesting, "You don't want to do this, do you?" It is much more effective to begin on a positive note. For example, "We've just had a 'Time for Action' from the national League office. There's a chance that a proposal for a constitutional amendment to provide representation in Congress for the District of Columbia may pass in the House. The proposal is HJR ___. It would allow the citizens of Washington to elect one representative in the House and such other representation as Congress may provide. Let's all write Rep. _____ in the next few days, and get as many of our friends to write as we can." The telephoner should be prepared to answer questions about the bill, the proper salutation and address for the congressman, what his attitude toward the legislation is.

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[1] Why Write Your Congressman and How, available from the national office, two for 10¢

INVENTORY

of work on

REAPPORTIONMENT

By State Leagues of Women Voters

Prepared by

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

stipulated date for the legislature to complete action on reapportionment, set within the session constitutionally designated for such action. Wisconsin League members strongly endorse the use of adequate enforcement measures and means of revising apportionment plans."

Publications: "Problems of Reapportionment." September 1962. 15 pages. 30¢.

I N V E N T O R Y

OF WORK ON

R E A P P O R T I O N M E N T

BY

STATE LEAGUES OF WOMEN VOTERS

REVISED

JANUARY 1963

Price: 60¢

[redacted]

The general purpose of this Inventory is to aid state Leagues working on or considering work on the issue of reapportionment. It is also specifically designed for the use of delegates to a conference on Apportionment and State Government, Chicago, March 1963, sponsored by the League of Women Voters.

It is impossible to do justice to each state's work even in this substantially enlarged edition. Hundreds of hours of hard work are covered in a line or two. Operations standard to all League work are often not mentioned to avoid repetition.

The Inventory is necessarily out of date the day it goes to press. Additional work is now in progress as many legislative sessions begin. The Inventory "closed its books" on January 15, 1963.

Program authorization is given after the name of the state with the designation of its status as a Current Agenda (CA) or a Continuing Responsibility (CR).

Unless otherwise noted all publications have been produced by, and are available from, the state League. Current addresses of any of the state Leagues mentioned in this Inventory may be obtained from the League of Women Voters of the United States, 1026 17th Street, N.W., Washington 6, D.C.

Other Inventories available from the League of Women Voters of the United States

Constitutional Revision	1960	25¢
Election Laws	1962	40¢
State Fiscal Policy	1962	35¢

REVISED

JANUARY 1963

Price: 60¢

[redacted]

INVENTORY OF WORK ON REAPPORTIONMENT
BY STATE LEAGUES OF WOMEN VOTERS

ALABAMA: Support of reapportionment of the state legislature.

(a) The basis of representation shall be population as stated in the state constitution of 1901, which provided for at least one representative from each county and no more than one senator from each senatorial district.

(b) The state legislature to be reapportioned within the present number of both Senate and House.

(c) Support a constitutional amendment to provide for automatic reapportionment if the legislature fails to act. (CR)

Although the Alabama League is so new to the field of reapportionment that it was not included in earlier Inventories, it has, since the spring of 1960 when it chose the study of apportionment for its state Program, moved to a position and into action in slightly more than one year.

The study was based on a pamphlet prepared by the state Board "Apportionment -- Alabama." The information presented the familiar picture of the effects of population changes on representation if provisions for reapportionment go long ignored. Alabama shares with Tennessee the distinction of failure to reapportion since 1901 in spite of constitutional requirements that this be done on a decennial basis. The League position above coincides with the constitutional provisions except that the League would like to see a requirement for automatic reapportionment if the legislature fails in its duty, in order - to quote the League's plea to the special session of the Alabama legislature called to meet the apportionment problem - that "the people of our state will not be plagued by this problem every ten years."

Though the minimum and maximum provisions of the constitution place Alabama on the list of states with both houses on the basis of "qualified population," the League has prepared interesting statistics to show that variation from strict population has deepened over the years. When the Alabama constitution went into effect the spread from high to low in the House (stated in round figures) was between 9,000 and 24,000. The spread in 1962 was between 6,000 and 104,000. The spread between senate districts was, in 1901, from a low of 34,000 to a high of 140,000. In 1962 it had reached a span from 24,000 to 628,000.

League workshops were held early in 1961. By Council in the spring members had agreed to the position given in the Program item and were ready to go into action in the May session of the legislature. Though there were bills which the League could back and which it did publicly endorse giving its reasons, no real push was given in the legislature even by the sponsors and the bills failed to pass.

When Baker vs. Carr (see page 47) unloosed the floodgates of litigation the federal court in Alabama moved with vigor to bring this situation to a close. The legislature was given three months to reapportion itself. A special session was called. The League testified before a senate committee at a crucial time, not because it was hopeful of changing anybody's mind but because it wanted at least one organization to go on record as supporting a just, suitable reapportionment plan which would be of benefit to the state as a whole. The League was alone in working for such a bill. When the special session produced plans unsatisfactory in themselves and furthermore designated not to go into effect until 1966, the court chose from among the plans those less discriminatory to serve as the basis of the 1962 elections and called upon the newly elected legislature to perform a proper apportionment at its 1963 session. The reapportionment of the courts resulted in the need for a second set of primaries in some legislative districts. As leverage on the legislature, the court retained jurisdiction in the case.

One of the proposals put forth by the special session was for a constitutional amendment to increase the size of the Senate from 35 to 67 with one senator from each county. This proposal was strenuously objected to by the League of Alabama. In its Time for Action the League gave these arguments: (1) a 67-senator bill makes a legislative body of 173 members, 134 of whom are apportioned on a geographical basis (67 House seats are allocated on the basis of one to a county); (2) a 67-senator bill puts control of the Senate in the hands of 18 senators who represent only 18% of the population of the state; (3) a 67-senator bill makes a two-thirds vote in the Senate representative of one-third of the population; (4) a 67-senator bill is much more costly to the state since the Senate chamber would have to be enlarged, not to speak of the increased payroll.

By letters to each member of the state legislature and statewide news releases the League of Women Voters opposed with all its strength the inequitable proposal for the enlarged Senate. Had the question gone to the polls the League would have had a tremendous job on its hands but the courts intervened to throw out this proposal. Changes which the courts have imposed on representation of the new legislature suggest that the objectives toward which the League is working may have become possible of attainment.

The newly elected legislature will convene in May 1963. When it does the court has given it the opportunity to perform a proper apportionment and this in turn should give the League the opportunity to support measures which would bring about a "just, suitable reapportionment plan."

Publications: "Apportionment - Alabama." 1960. 25¢.

COLORADO: Reapportionment of the Colorado General Assembly. (CA)

The Colorado League has demonstrated characteristic League tenacity in its work on reapportionment. As far back as 1956 the League made its initial study and by 1957 reached a position on which during the next four years little action was open to it.

At the time the study was made this was the apportionment system which the League faced: The Colorado constitution stipulated that both houses should be apportioned on the basis of population modified by "ratios fixed by law." This empowered the General Assembly to district the state on what is called a differential ratio of population. The ratio as first fixed in 1881 provided that for one seat in the House 1,000 persons were required, with an additional seat for each 5,000 additional persons or a major fraction of 3,000. For the Senate a seat was assigned for the first 5,000. An additional seat was added for each additional 9,000 persons or major fraction of 7,000. The last time the ratios were changed was in 1953. The requirement for a House seat was raised to 8,000, with additional seats for each additional 25,500 or major fraction of 22,400. The Senate required 19,000 for a first seat and 50,000 or major fraction of 48,000 for each additional seat. The total number of legislators was set by the constitution at 35 for the Senate and 65 for the House. As the League pointed out in its publication, "Representative Government in Colorado," by changing upward the differential ratio, that is, the number of persons required for an additional seat, the legislature was able to maintain the status quo in the face of increased population within a district. The size of the major fraction rule also operated to weight against a strict population basis of representation. The effect of the entire system was a real basis of representation on population modified to a greater or lesser degree by area factors.

In forming districts, counties could not be divided. Parts of counties could not be added to parts or all of other counties to form a district; neither could a county be subdistricted in the event it was entitled to more than one seat. This resulted in a "bedsheet" ballot in such a county as Denver where 17 representatives ran at large.

In view of the over-all national picture it came as no surprise that the Colorado legislature has ignored the constitutional responsibility to reapportion at five-year intervals, after the federal census and after a state census at the intermediate five-year point. The provision for a state census has also been ignored by the legislature.

It is interesting that the people of Colorado as early as 1933 made use of the Initiative which was available to them to reapportion. Though the General Assembly promptly repealed the statute which the people had passed, the state Supreme Court upheld its validity and instructed the Assembly that it must await a new census before it could act to reapportion.

All this sets the background for the first position which the League members reached. With no trouble at all they agreed that reapportionment should take place at 10-year intervals with a penalty for noncompliance and that the responsibility for reapportionment should be placed in an agency outside the legislature. They felt the size of the legislature should remain unchanged and that representation should be on the basis of population with area considerations, with a different basis for each house.

After the 1960 census with its expected evidence of increasing malapportionment, the members of the League in Colorado determined to give this subject the emphasis of a Current Agenda item (1961-63) and re-study in an effort to reach more precise definitions of what they wanted as a basis of representation as well as to consider other possible constitutional changes.

The League was aware from the very beginning that this was a subject which required an enlightened and aroused public if much was to be accomplished. As a first step the basic information was prepared in a new and attractive pamphlet "Representative Government in Colorado: The Challenge of Reapportionment." This was launched with appropriate publicity and distributed not only within the League but to the legislature and the public through a select mailing list. Radio and television programs were arranged.

Within the League the state Board arranged for a workshop of reapportionment chairmen from the local Leagues to help the state committee draw up the questions for consensus. Armed with the new publication and a leadership tool the Leagues went rapidly to work and came up with new and more specific answers. What the Leagues said to the state Board in January 1962, was this: We still agree to the need for regular and enforceable reapportionment by an agency outside the legislature. We still agree that the basis of representation of both houses should be population but a numerical range of from 33 1/3% below to 33 1/3% above the strict population requirement should be allowed as a protection of geographic and economic interests. Such a limitation should be placed in the constitution as a guide to the apportioning agency and a protection to the people against inequitable apportionment. We think the provision against subdistricting populous counties should be removed from the constitution.

In the 1962 legislative session there were no less than nine reapportionment statutes introduced and three constitutional amendments proposed, none of which the League could support in spite of the rather broad limits on representation set by the League position. None of them was agreed to by the legislature before it adjourned. In the face of stalemate the League turned its attention to the possibility of undertaking reform by way of the Initiative.

A meeting of statewide organizations was called by the Colorado Chamber of Commerce to discuss and hopefully reach agreement on action for reapportionment. Several

meetings were held but it soon became apparent to the League that agreement for action could not be reached in this large group. In March the League announced the formation of a citizens group to be known as Voters' Organization To Effect Reapportionment. How many other organizations could the League rally to its cause, to cooperate in the giant task of framing an amendment, circulating petitions, and winning a popular vote? VOTER, as it was aptly called, was supported at once by the Colorado Labor Council and the Colorado Education Association. These two groups remained the League's principal allies. In drafting an amendment the League position was used as the basis of the first draft. Public hearings were held in urban areas and political parties consulted.

The VOTER proposal was substantially along the lines of the League position. The variation of 33 1/3% above or below a strict population ratio was modified to allow a wider variance in certain mountainous districts. No part of a county could be divided. Subdistricting of representative districts was no longer forbidden but the subdistricting itself was not provided for in the constitution. Power was given to these multimember counties to subdistrict subject to the approval of the method of districting by the voters within the county. The amendment established a bipartisan commission composed of three members, one each to be appointed by the attorney general, the lieutenant governor, and the state board of education. Such reapportionment was subject to direct review by the supreme court. If the commission failed to act or acts unfairly, the court was to apportion. These last two provisions, as the campaign developed, proved to be centers of controversy.

Shortly after VOTER came into being another group of organizations formed the Federal Plan for Apportionment, Inc. In this group were the Chamber of Commerce, the Colorado Farm Bureau, and the Colorado Cattlemen's Association, groups which had long fought reapportionment. At a later time the Junior Chamber also supported this effort. This group too prepared an amendment, obtained signatures, and prepared to take their plan to the people.

Included in the provisions put forward by this group was a Senate on an area basis, with districts and representation frozen into the constitution. The House was to be on population "as nearly as may be." The legislators were given the task of reapportionment subject to loss of pay and ineligibility to succeed themselves in the event they failed to revise after the decennial census. Single-member districts were provided for both houses, boundaries of these districts to be decided by the legislature.

Efforts were made by many, including the Governor, to find a compromise amendment which would satisfy both groups but basic disagreements between the two could not be bridged. The League was aware of the desirability of a single proposal going before the people.

The legal requirement of 42,000 signatures was exceeded in the VOTER campaign by more than half, most of these collected by Leaguers with some help from the other groups in the organization. There was a paid executive secretary to give direction to the drive, and help came from the state League office, staff, and volunteers.

There were eight ballot questions before the people at the November election of which Federal Plan was #7 and the VOTER plan #8.

From the very beginning it was apparent that many individuals thought the issue too hot to handle so that prominent sponsors and financial support were hard to find.

In some communities local VOTER committees were formed. The State VOTER Committee consisted of 21 members about half of whom worked actively throughout the campaign. The early costs of the campaign were covered by the Labor Council with supplementary funds from the two other supporting organizations. Local Leagues and individual League members contributed directly to VOTER. The state committee held a $10 a plate dinner to raise funds for the one campaign brochure. Total expenses of #8 were under $15,000. The best estimate for financing the opposition's #7 was ten times or more.

League contacts with newspapers and television and radio stations proved invaluable during the campaign, since #8 never had sufficient funds for advertising. One Denver daily, The Denver Post, gave strong editorial support, as did several newspapers in the suburbs. League and Education Association members assisted in letter-writing campaigns to local papers. Television and radio appearances, largely in debate setting, were frequent. Local Leagues made many speeches to local organizations.

Additional contacts on #8 were made by Leagues through their regular Voters Service activities, although care was taken to present both sides objectively unless the request was made to present and explain the League position on #8. The Colorado League printed an amendment pamphlet giving major provisions and arguments favoring and opposing all eight amendments, and distribution of this gave many opportunities to explain League support of Amendment #8.

Two hundred thousand copies of a simple #8 brochure were printed and distributed during the last two weeks of October through local committees, Leaguers, and mail distribution to Education Association and Labor Council members. Also distributed was a limited quantity of a montage of favorable newspaper stories and editorials. The Labor Council printed a few bumper stickers for their own members; some of these were available for VOTER committees.

As the time for the election drew near, League efforts concentrated on three projects. The first was distribution of a promotional flyer by the children of League members on Hallowe'en. The flyer was printed for the League at no cost by the Education Association. The second was a parade in downtown Denver on the last Saturday morning in October. Planning and work on this was done by a special committee representing the seven Leagues in the area. Approximately 200 Leaguers and their many children participated. There were two floats, one of them a large teapot to suggest taxation without representation, marchers, signs, bands, and sound truck. Brochures and balloons marked #8 were distributed. The parade was well-covered by the news media. Third, the members were asked to send postcards or telephone friends and acquaintances immediately prior to election. This campaign included an effort to reach as many as possible of the 62,000 petition signers.

The fight for the two amendments soon developed along party lines. Individual Republican candidates endorsed the Federal Plan and though there was no official party endorsement of it Republican precinct workers carried that petition and distributed #7 brochures. Democratic endorsement of #8 was not as clear though there was strong opposition by the party to #7.

This party alignment on the two amendments was no doubt a major factor in the defeat of #8 and the adoption of #7 by a 2 to 1 majority. The Republican win in the November election was heavy across the state. Other factors which the League feels had a bearing on the outcome were the following: the #7 campaign was professionally run and heavily financed and had the advantage of the active support of the "grand old man" of Colorado politics; labor did not vote as a bloc along

organization-recommended lines; two reapportionment amendments were confusing to the public; and #7 won support from urban voters because of its provisions for subdistricting of multimember counties (other features of #7 were ignored).

Two cases are presently before the Denver U. S. District Court. Both were filed prior to the November election, both challenged Colorado's legislative apportionment as unconstitutional under the 14th Amendment of the U. S. Constitution. In August 1962, the District Court withheld judgment on both cases, retaining jurisdiction until after November 15, following the general election. The court has conferred with attorneys for the plaintiffs and also with attorneys for the Federal Plan and with the state Attorney General, and has called for further briefs and arguments from both sides. Plaintiffs are now contending that: (1) the present legislature is not legally constituted and therefore should not be allowed to continue to act; (2) the apportionment plan passed in November would continue the violation of citizens' rights under the 14th Amendment; (3) it would be impossible to carry out the Federal Plan requirements that legislative districts be contiguous and compact, since there are several enclaves of other counties within the city and county of Denver.

Attorneys for the Federal Plan, with the state Attorney General, are calling for dismissal of both suits or for delay of any action until after the legislature has had a chance to act, claiming that court action at this time would be "substituting its directions for the clear mandate of the people," thus denying to the citizens of the state the right to self-government. A pre-trial conference is scheduled for mid-February, a few days before the 45-day limit set by the new law for passage of a reapportionment of the House.

Publications: "Representative Government in Colorado: The Challenge of Reapportionment." 1961. 40¢.

CONNECTICUT: Fair representation in the General Assembly. (CR)

Constitutional provisions for the composition of the lower house plus legislative resistance to fulfilling its constitutional duties in regard to redistricting of the upper house have placed enough hurdles in the path toward fair representation to discourage a less tenacious League than the League in Connecticut.

At the top of anybody's list of unrepresentative houses, the House in Connecticut by constitutional requirement consists of at least one representative from every town and no more than two from any. Towns under 5,000 have one, those over have two. There is an exception to this in respect to towns of any size which may have two if they had two in 1818. Towns having two representatives vary in size from 383 to over 162,000. Present size of the House is 294, second only to the lower house in New Hampshire in size. Twelve percent of the voters can elect a majority of the House.

The League is well aware of the traditional attachment of the state to its towns and in determining what changes might be made has not suggested that this factor be ignored. The League's choice for change has been a formula which allows each town at least one representative, but recognizes the population factor by allowing one representative from towns up to 10,000; towns from 10,000 to 25,000, two; towns from 25,000 to 100,000, three; towns over 100,000, four. With both a floor and ceiling on the number of representatives the area factor remains dominant but urban centers would have a fairer share than at present.

Any change in the representation of the House calls for a constitutional amendment. Such a change was started on its way in the 1961 legislative session by

passage in the House of a proposal for an amendment which would give each town one delegate. This the League does not support even though it would have the beneficial effect of reducing the size of the House to 169. Nor, in League opinion, is it likely of passage in the 1963 legislature as a two-thirds vote in both houses would be required before the amendment could be submitted to the people for ratification.

Unlike the House, where a change in the constitution would be required to effect a change in representation, the Senate may be redistricted by the General Assembly, which has the power to alter senatorial districts (there are 36) at the "session next" after the completion of the federal census "if found necessary to preserve a proper equality of population in each." Though the wording has been construed by some to be permissive, for most, and certainly in the mind of the League, it means should. Two factors work against the passage of an equitable redistricting plan. First, the Senate may be reapportioned only at the "session next" after the census. What was not accomplished in 1961 may not be done until 1971. Second, in spite of the fact that counties are no longer governmental units in Connecticut, the constitution still requires that county lines not be crossed in drawing district lines and every county shall be represented by at least one senator. In spite of the county restrictions a reasonably fair division of voting power is possible should the Assembly carry out its duty.

The result of maintaining the status quo over the years of population shifts and growth is a Senate overrepresented by urban and rural communities with the large suburban population of the state at the most drastic disadvantage. Seldom does the core city find itself with extra voting power but in nine urban districts this is so.

Because the Senate has had no over-all redistricting since 1903, the League in Connecticut long ago decided on the need for constitutional provisions for mandatory redistricting of the Senate at regular intervals. This change, as well as any change in the composition of the House, would call for a constitutional amendment. Since each house has with few exceptions been controlled by opposite parties, and since there seemed little hope that either house would approve amendments upsetting its political advantage, the League decided in 1950 to work for a constitutional convention. A League-drawn bill was entered in the 1951 legislature calling for a convention. This bill and its regular biennial successors have all failed. In 1954 as part of its campaign the League held a Mock Constitutional Convention and was instrumental in forming a Citizens Committee for a Constitutional Convention.

With the approach of the 1961 session -- the "session next" after the federal census -- when the Senate could be redistricted or suffer a 10-year wait, the League brought all its pressure in support of a bill which did as thorough a job of equalizing districts as could be accomplished within the constitutional limitations in regard to county lines and the political facts of life in Connecticut. At the same time it supported a proposed amendment which would remove the county line restrictions and provide for a mandatory redistricting at 10-year intervals. Though the measure devised by the legislature does not meet all the League standards, it is one which the League could support in the 1963 session and, in the unlikely event that it passes both houses at the 1963 session by the two-thirds majority required, could support at the polls.

Redistricting of the Senate at the 1961 session shared the fate of all such previous efforts. The party in control of the Senate refused to redistrict unless there was some quid pro quo by a reapportionment of the seats in the

House controlled by the other party. Since one was a statutory matter and the other took constitutional amendments requiring a period of three years to accomplish, the League pled the irrelevancy of one matter to the other but without avail.

In an attempt to resolve the impasse the administration suddenly and vigorously sponsored a bill calling for a constitutional convention. This represented a shift by the administration from its original bill which called merely for a commission to study. The League supported the call to convention. It did not fail to point out, however, that the Senate still had the obligation to perform its duty to redistrict without waiting for this necessarily slow process. Since by this time no one is unaware of the relationship between a convention and the proposed changes in the representation in the General Assembly, the convention bill met the same fate reserved for all measures to redistrict or reapportion.

What will Baker vs. Carr have to say about this stalemate? Will the threat of court action break the deadlock? Has the League a role? The League in Connecticut feels that they do have a role. League members, especially in areas of the state where disparities were greatest, explored citizen interest in a suit for reapportionment. As a result of their efforts, a group of ten men and one woman, from different parts of the state, both Republican and Democrat, came forward as plaintiffs. The League then set up a "Fund for Fair Representation" to which contributions for financing the suit could be sent. The cooperation of a group from Yale University Law School was assured, and this group in turn secured competent counsel who agreed to take the case for a minimum fee.

A suit seeking reapportionment of both houses of the Connecticut state legislature was filed on December 27, 1962, in the Federal Court for the District of Connecticut in New Haven. In the suit it was charged that the present pattern of apportionment of senators and representatives constituted an invidious discrimination against the plaintiffs' voting rights and that such discrimination was offensive to the 14th Amendment of the Constitution of the United States. Watch for Butterworth vs. Dempsey.

Publications: "Chicago Conference on Constitutional Revision, 1961." (Report by Mrs. F. Herot). 4¢
"Handbook on Need for a Constitutional Convention," 1957. 35¢
"Decisions of the Mock Constitutional Convention," 1954. 3¢
"Tennessee Apportionment Case." 2¢
"Reapportionment Section from Handbook on Need for a Constitutional Convention." 1958. 10¢

New publications now in preparation.

FLORIDA: Equitable apportionment of representation in the state legislature. (CA)

In the opening remarks of its 1961 Legislative Reapportionment Kit, the Florida League gives this succinct picture of the apportionment situation in that state: "Apportionment has been a problem in Florida since its earliest beginnings and, as the population of the state has grown, so has the problem of apportionment. Today counties containing 17% of the population elect the majority of the members of the House of Representatives, and districts containing less than 18% of the population elect a majority of the Senate. Compared with other states Florida ranks 43rd in the percentage of population required to elect a majority of the upper house, and 44th in the percentage required to elect a majority in the lower house, and last in terms of an index which combines the two houses." The Florida

story is distinguished by the longevity of the problem, the longevity of the League's active work on it, and the monotonous regularity with which, over a nearly 20-year period, the legislature has proposed and the people have disposed of constitutional amendments which would alter to a greater or lesser extent the discriminatory status quo.

In Florida, formulas for apportionment of both houses in all details are laid down in the constitution. Under constitutional provisions the legislature could do very little, if it would, to provide more nearly equal value to each vote. At the same time the legislature controls the amending process, the only means by which the present situation is capable of remedy.

The Florida League, until its last state Convention, had worked on reapportionment as part of a general study of constitutional revision. This in turn grew out of its Know Your State study and has been on the state Program since 1948. During the middle fifties the League worked for constitutional revision by convention and with other groups joined in a Citizens Constitution Committee. Though they were not successful in promoting a constitutional convention, a legislative commission was established to draft a revised constitution. The 1957 legislature completely revised the commission's draft and made separate articles dependent on each other (daisy chain). In the spring of 1958 the League opposed the revised proposals of this commission, feeling that there were many undesirable provisions. Particularly there was no improvement in the apportionment formulas. Subsequently, showing the League in the vanguard, the proposals were declared unconstitutional.

During 1960 there was much activity both on revision and apportionment. The Governor set up a five-man committee (including a League member) to submit proposals for complete constitutional revision and the committee recommended an apportionment article which provided for more sweeping changes than ever proposed before. These proposals suffered the fate of those of the prior commission and died in committee. In their place the legislature passed an amendment to the apportionment article which was presented to the people in the fall of November as an emergency measure. Though the proposal by no means carried the sweeping changes which the League would have desired, it did, by increasing the size of the House and Senate, offer improvements in representation in urban areas of the middle-growing counties, and the League decided to support the amendment. The fact that the amendment offered fairer representation than other legislative proposals may have stemmed in part from a taxpayers suit pending against the state. The suit was subsequently dismissed.

The League worked hard with a campaign of speakers, television and radio, and the distribution of flyers, but the amendment failed. The campaign was fairly bitter and sectional interests were clearly shown in the vote. The larger counties, such as Dade (Miami), united against it, the middle counties were for it, and the rural counties displayed their lack of interest in change by turning out a light vote.

In 1961 the legislature again put forth a proposal described by the League of Women Voters of Florida as "a stumbling block instead of a stepping stone to fair legislative representation" and by a Florida newspaper, The Palm Beach Times, as a "reapportionment farce cooked up by the small-county majority bloc." The new proposal, said the League, made little if any improvement in the population percentage needed to elect a majority of the Senate, tended to freeze inequities into the constitution as well as allowing the apportionment to stand until 1971, and offered the same provisions for reapportionment which had been ignored since 1951. This for the League was not good enough and they set out on a campaign to oppose the amendment.

In the summer of 1962 the Federal District Court ruled on legislative representation in Florida. The present provisions were declared unconstitutional. At an extraordinary session of the legislature in August 1962, the 1961 legislative proposal was hastily withdrawn. The same session agreed to a new proposal which would go to the voters in November 1962 if approved by the federal court. In ruling that the new proposal was constitutional the Federal District Court held that "It is only when the discrimination is invidious or lacking in rationality that it clashes with the Equal Portection Clause of the Fourteenth Amendment."

It was the court's considered view that the rationality of legislative apportionment may include a number of factors in addition to population. The court held one such factor to be the lack of home rule in the state of Florida (with the exception of Dade County). Because in Florida the county is a political subdivision of the state and the state legislature must provide legislation for counties through local or special acts, each county has the right to at least one elected representative in the state House of Representatives.

The court further held that the senatorial apportionment met the test of equal protection because there are some common geographic locations and general unity of economic interests which result in combinations desirable for legislative representation.

With the court decision in hand the League members started on their homework and in rapid order addressed themselves to the question of whether the new proposal made sufficient improvements in the legislative representation in Florida to earn League support or whether it was so little better than its recently withdrawn predecessor, which the League had opposed, that the League should work against it. An analysis of the two proposals made it clear the two were much alike. In early October the Florida League president in a press release announced League opposition to the reapportionment measure on the November ballot.

In view of the record of Florida voters in turning down any and every proposal for constitutional change in this field, it may be a little difficult to assess the part the League played in the defeat of this proposal at the polls. However, it should be noted that except for the Tampa Tribune and the St. Petersburg Times all the influential newspapers in Florida supported the amendment, apparently because they did not want the federal court to do the apportioning. The state Board feels, therefore, that local Leagues deserve a great deal of credit for the results.

All records of Florida Leagues for speaking engagements on an issue were broken as League members all over the state spoke to dozens of organizations, secured radio spots, and made television appearances.

The Central Brevard League had a "burial service," where members gathered with picks and shovels and "buried" the amendment. This received wide publicity.

Borrowing from the Maryland League, League members wore tea-bags for "taxation without representation" two weeks prior to the election. The day before the election, members of the Metro League, together with members of the Miami-Dade County Chambers of Commerce and "The All-Florida Voters League" (an ad hoc citizens' group formed to defeat the amendment), staged a "Boston Tea Party" in Biscayne Bay. A four-masted clipper ship was borrowed from the owners. The ship was of British registry and appropriately flew the Union Jack. The men appeared in Indian headdress and the women in colonial costumes. Empty cartons labeled "Tea," as well as cartons of "tea" (hedge leaves), were assembled, and for the benefit of all local newspapers, radio, and before television cameras of the three local stations the "tea" and the boxes were thrown overboard.

Since the court-approved amendment has failed and the existing apportionment has been declared unconstitutional, the matter remains under the court's jurisdiction. Under the pressure of this situation the Florida legislature was called in special session, but the legislature became completely deadlocked and when the constitutional limit of 20 days for a special session was reached it was adjourned with nothing accomplished. Immediately, five petitions were filed with the federal court, requesting the court to apportion and suggesting plans.

Publications: "Apportionment Kit, 1961." Included: "Comparison of Florida with Other States"; "Outline and Bibliography"; blank maps of Florida. "On Equitable Apportionment of Legislative Representation." A Study Guide. 1962.

GEORGIA: Development of an equitable system of representation in the Georgia General Assembly and in Georgia's congressional districts. (CA)

There may be advantages for those Leagues that have come relatively lately into the field of reapportionment. The burst of activity following the Supreme Court decision finds them ready for action but not frustrated by long years of lack of accomplishment. Georgia is an example of such a League.

The 1957 Georgia Convention requested the state Board to prepare materials on representation in the House of Representatives. The pamphlet entitled "Let's Discuss" appeared in the fall of 1958 in time for Leagues to develop a picture of prospects for work in this field. They chose as a Current Agenda item at the 1959 state Convention "The Georgia Legislature" with more equitable representation as one of three aspects to be considered. As time went by it became apparent that this was the feature of the item on the state legislature which was of first interest to the Leagues. In its latest wording of the item the other aspects which were originally part of the study were dropped.

From the beginning the Georgia Board has through continuous and full coverage in the Georgia Voter placed in the hands of each member in Georgia the necessary background information. All or parts of 12 issues were on this subject. Consensus questions were included in one issue. An analysis of the position which the League reached and the extension of position as further study continued were reported from time to time. Current news on the situation as the court cases and decisions have taken place has been given. In addition the Board has prepared two pamphlets for member and public use. All this was augmented by information for direction of the work through State Board Reports.

In order to assess the problem which presented itself to the League in 1958, to understand the League's work as well as the extent of changes already effected by court action, aided and abetted wherever possible by the League of Women Voters, one must start with a description of the unique arrangements for the composition of the General Assembly in effect at that time.

Each county in Georgia (there are 159) is allotted at least one representative. The eight counties with the largest population are allotted three each; the thirty having the next largest population are allotted two each. This is the 3-2-1 formula associated with the county unit system prevailing in the primaries prior to the 1962 court case. As long as the number of counties remains constant this produces a House of 205 members. Within this constitutional formula the General Assembly may reapportion after the federal census by shifting counties from one class to another. No other change is possible. One hundred and three counties with 22.5% of the population have 51% of the voting strength of the House.

In the Senate, 21.4% of the population provides 51% of the vote in that body. The Senate too is districted with due regard to county lines. With one exception districts are multicounty. The constitution provides for 54 senatorial districts which the General Assembly may by statute realign. By statute long in effect each county within a multicounty district takes turns electing a member to the Senate. Fulton, the single county exception, and the people in one out of three counties throughout the rest of the state elect the entire state Senate leaving the people in two-thirds of the counties without any voice whatsoever in this house for that term of office. This is, happily was, the rotation system in effect in Georgia until 1962.

It was easy enough for the Leagues in Georgia to agree to the need for equitable apportionment but clear that this needed some definition. It was obvious that the existing system was inequitable and unjust. The 3-2-1 formula for the House, the rotation system and inequitable districts in the Senate should go. (The League had long opposed the county unit system in the primary vote,) There was obvious need for some agency, administrative rather than legislative, which would be empowered to apportion in the event the legislature failed in its duties. As a first step the League in 1961 backed the appointment of a Legislative Reapportionment Study Committee which came into being in April of that year and began hearings in June. The Leagues went back to tackle the job of defining fair representation and were able to petition the committee to follow these standards in going about its work:

(1) legislators will be elected so as to represent citizens in just proportion to their numbers, with geographic and economic interests given consideration;

(2) legislators elected by the majority of citizens will have a majority voice in passing laws and levying taxes;

(3) reapportionment and redistricting to guarantee equitable representation will be compulsory at least every ten years.

At the time the petition was brought before this committee the League presented its story, backed up with charts showing the inequities of the present situation, provided studies of population for each county and district, and constructive suggestions for reapportionment which would come up to League standards. One of the reasons that the League concerned itself with actually drawing up district lines for the Senate and the House was to prove that it was possible to redistrict in a manner that would be equitable in that the population variances between districts would be reasonable and at the same time not result in absolute urban domination of the state, i. e., would take into account geographic and economic interests. The federal census lists the state of Georgia as 53% urban. The League's plan provided urban citizens equitable representation numerically while giving essentially rural areas a chance to elect 30 out of 52 senators. In the House, urban citizens would have had 45 representatives; rural 44; thus providing a bare majority for urban citizens.

In addition to the statement made by the state Board before the Legislative Committee, the committee held hearings in other cities at which the local Leagues appeared and made statements.

To reenforce the League's statement to the Legislative Committee the League circulated petitions in League communities and, insofar as possible, non-League communities. There was a disappointing lack of cooperation in this venture by other interested groups and the whole process developed more slowly than expected. When it became apparent that better use might be made of the collected signatures

than presenting it to the Legislative Committee, they were presented to the Governor in a petition 68 feet long. Though the Georgia League thinks that the effectiveness of such a petition is at least open to question, circulating petitions does give the League member soliciting signatures an opportunity to talk about the issue to non-League people whom she might not have approached except with such a specific goal.

As a part of a public education job the League was instrumental in forming a statewide "Citizens for Fair Representation Committee" which however did less than had been hoped to mount a statewide campaign. Committees in some of the metropolitan areas did better, the most important of these being the Atlanta "Reapportion Now" Committee. Local Leagues were able in some instances to work with the cooperation of the Chamber of Commerce in their communities.

The state committee of the League went to the public through all the usual mass media, many television and radio broadcasts, and appearances before other organizations. The press gave fine coverage to the League's campaign including printing the map showing the proposals for redistricting, in this way helping to keep the issue alive and before the people.

At the 1962 session all legislators were approached by letter and received copies of the League's pamphlet on Fair Representation and its detailed maps and population analysis. Though the League effort to persuade the House Committee to hold public hearings failed, the League feels its action at this session may have had some effect, since Representative McKay's plan for Senate redistricting was brought to the floor for a vote, the first time such a bill had reached the floor. In the subsequent voting, representatives from League counties gave it considerable support though it failed of passage.

With news of the Supreme Court decision still burning the wires, suits were filed in Georgia on the constitutionality of both the county unit system in primary elections and the current apportionment of the General Assembly. Under this attack and before the courts could act a special session of the General Assembly was called by the Governor in mid-April. Its intent clearly was to make sufficient changes to forestall a defeat in the courts. At this special session the League again worked hard without avail to get the proposals a public hearing. Meeting the need for speed, the League prepared and placed on legislators' desks an analysis of the several plans for reapportionment, among them the League's plan for redistricting the Senate and a good plan for the House very much like that proposed by the League. Though the session passed a new county unit plan (promptly thrown out by the courts) it took no action at this session on the reapportionment proposals.

Meanwhile at the court hearings the chairman of the League's state committee testified at length before the federal judges, presenting the background facts and a plan for reapportioning the Senate. The detailed and reliable research of the League proved valuable in the case for the plaintiffs.

In its June decision the court declared the composition of the Georgia Assembly unconstitutional and served notice on the General Assembly to so change the composition "of at least one house" that it be clearly related to population so that the January session of the legislature would meet constitutional standards. It withheld making a decision on the composition of the other house, retaining jurisdiction to make a decision at a later date.

Under threat of court action in the event the legislature failed to act, a second special session met in September. The Senate was chosen as the house

to be redistricted to meet court standards. This could be accomplished by statute and in fact was accomplished but not without a number of moves designed to protect as nearly as possible the status quo. The bill divides the state into roughly equal districts. Most are multicounty with no rotation system, this having been ruled out by the court. Fulton and DeKalb counties are each divided into a number of districts in order that this urban area receive its fair share of voting strength. In dividing these counties it was not possible to draw lines which would not produce a district predominantly Negro in composition, a district which might be expected to return a Negro member to the legislature. To overcome this the reapportioning act included a proviso that the senators from multidistrict counties be elected at large. In other words, though a man ran from a district within a county the entire county would vote on his candidacy.

The League was pleased with the districting plan finally agreed to, but strongly opposed to the election-at-large rather than by districts. In testifying against this provision the president of the state League called attention to the requirements of the state constitution which were in conflict with it and asserted the importance of the "principle of senators being elected in and by their districts"

Between the enactment of the legislation and the findings of the court in relation to this provision the primaries took place in the state. The federal courts left to the state courts a decision on this and the state courts called for an election by districts.

This did not put the question to rest nor the League out of a job to be done on fair representation in the Georgia Senate. A constitutional amendment was placed on the ballot at the November election making the ruled-out election-at-large of senators in multidistrict counties a part of the state constitution. The League worked in opposition to this amendment, which however received a favorable vote and passed into law.

As a result of the election of the new Georgia Senate under the new apportionment, for the first time in the history of the League in Georgia senators from the areas where there are local Leagues have the balance of power in the Senate. The prospect which this presents for successful League legislative work is encouraging. A Time for Action went out in November 1962 to the Leagues for a special effort to see their newly elected legislators not only once but twice before the opening of the next legislative session in January 1963. Leagues were urged to discuss with their legislators the League's opposition to any plan to reduce the House to a system of one representative to a county. Rather the League would urge upon its lawmakers a constitutional change which would provide a system of equitably sized districts and provide for court review and mandatory reapportionment. Immediate redistricting of Georgia's congressional districts would be urged. There is an appeal pending in the Georgia congressional case. The state League provided suggested plans for constitutional amendments which would place the whole legislature on an equitable basis. This plan was not the only one which the League might support but served as an example of the kind of provision which the League thinks is desirable.

The proposal to reduce the size of the Georgia House to 159 members, one to a county regardless of size, has been given informal endorsement by the court on a split decision but would no doubt be subject to litigation. The outcome of the composition of the second house in Georgia as elsewhere remains the major unresolved question to be ruled on by the Supreme Court.

Publications: "The Case for Fair, Just, Right, Equitable Representation." 15¢
"Let's Map Our Way to Fair Representation"(March 1962 Georgia Voter). 10¢.
December 1962 - January 1963 Voter, which has the new senate district system on the back page. 5¢.
February - March Voter (will contain the amendment proposals). 5¢.

ILLINOIS: Support of regular legislative apportionment according to constitutional provisions. (CR)

In 1963 the Illinois General Assembly must, by the constitution, carry out the provisions for reapportionment which the League helped write into the state constitution in 1954. The League's study of apportionment began in 1949. In 1953 the Illinois legislature passed an amendment which satisfied in large measure the main League standards: (1) organization of one house of the legislature on a strict population basis and the other house on an area-plus-population basis; and (2) inclusion of a self-enacting clause providing for redistricting by other means if the legislature should fail to do so. The 1870 constitution provided for both houses to be chosen on a population basis, which would have assured Cook County (which includes Chicago) of control of both houses when its population reached more than 50 percent. The district lines had not been redrawn since 1901.

In 1954 in one of the great campaigns for constitutional revision the League backed the proposed amendment, which passed; the 1955 legislative implementation was followed closely by the League.

The amended article provides for a House of Representatives of 59 districts and a Senate of 58 districts. The state is divided into three divisions for creation of districts. The house districts are apportioned into 23 districts for Chicago, 7 for Cook County outside of Chicago, and 29 in the remainder of the state (101 counties). District lines are to be drawn on a population basis, with three representatives chosen from each district every two years. In 1963 and every 10 years thereafter, in redistricting, the 59 representative districts shall be divided among Chicago, suburban Cook County, and the rest of the state as the population of each of these three divisions bears to the total population of the state. The districts then are to be formed on a population basis of "contiguous and compact territory" and in the "downstate" area the districts shall as far as possible follow county lines.

The Senate, on the other hand, is laid out on an area-plus-population basis, with area as prime consideration. The Senate is also apportioned first into three divisions, with 18 senatorial districts inside Chicago, 6 in Cook County outside of Chicago, and 34 in the other 101 counties; one senator is chosen from each district for a four-year term; half are elected in each biennial election. There is no constitutional requirement for periodic reapportionment of senate districts, i. e., they are frozen in the constitution and may be changed only by constitutional amendment.

The House is chosen by a unique method known as "cumulative voting," intended to assure representation of the minority party in the legislature. Since each voter is represented by three House members, each voter is entitled to three votes. These may be cast: one vote for each of three candidates; three votes for one candidate; or 1½ votes to each of two candidates.

The 1954 article has a section which should assure regular redistricting (in 1963 and every ten years thereafter). Should the legislature fail to act, redistricting will be accomplished by a commission; if the commission fails to act, all representatives and those senators who are scheduled for election shall run at large.

The commission is created as follows: within 30 days following the adjournment of a legislature which has refused to redistrict, the state central committees of the two political parties which received the highest votes in the preceding gubernatorial election shall each submit to the Governor a list of ten names. From these lists the Governor must appoint within 30 days a commission of five from each list. This commission shall then redistrict the state and submit a plan to the Secretary of State. At least seven of the ten commission members shall approve the plan. This districting shall be valid until the General Assembly acts. Should the commission fail to act within four months of its appointment, it shall be discharged and members up for election would run at large.

In 1963 the Illinois League expects to be vigilant over redistricting legislation.

The campaign of 1954 was a tremendous cooperative effort of 59 organizations working through the Illinois Committee on Constitutional Revision. Literature on the subject includes: Russell E. Olson, "Illinois Faces Redistricting," National Municipal Review, July 1954 (Vol. 43) pp. 343 ff; John Bartlow Martin, "What Those Legislators Do to You," Saturday Evening Post, December 19 and 26, 1953 (Vol. 224) pp. 30 ff and 28 ff; John E. Juergensmeyer, "The Campaign for the Illinois Reapportionment Amendment" (Urbana; University of Illinois, Institute of Government and Public Affairs, 1957, out of print); Gilbert M. Steiner and Samuel K. Gove, "Legislative Politics in Illinois," (Urbana; University of Illinois Press, 1960). $4.50

Publications: "Legislative Apportionment." October 1962. 10¢.

INDIANA: Revision of the state constitution: (b) Reapportionment. (CR)

The Indiana League, which has worked for many years in the field of constitutional revision, has kept four areas for revision through amendment on its list of Continuing Responsibilities. One of these four is reapportionment.

Change in the composition of the Indiana General Assembly faces the customary roadblocks of indifference and party politics. The state constitution calls for both houses to be apportioned at six-year intervals on a population basis. As a means of figuring the ratio, it further calls for an enumeration of males over 21 every six years. The last apportionment took place in 1921 on the basis of the 1919 enumeration. No statewide enumeration has been made since 1931 because a court injunction in Marion County (Indianapolis) enjoins the county assessor from making the enumeration. Basis for this injunction is the conflict of Indiana and U. S. Constitutions, since only males over 21 are counted. Although the U. S. Constitution guarantees the right to vote shall not be abridged on account of sex and does not mention the right to be counted, this injunction has been upheld. The 1961 General Assembly repealed the law requiring county assessors to make the enumeration, leaving no enumerating official to carry out this constitutional provision and apparently nullifying the injunction against Marion County assessors.

To resolve the constitutional conflict, however, an amendment to the state constitution seems necessary. Amendments in Indiana must pass two consecutive sessions of the General Assembly and a referendum. No amendments may be

introduced while another amendment is pending, and an amendment passed by the 1961 General Assembly is now pending. If this were defeated early in the 1963 session the way would be open for introduction of other amendments. If it is not defeated no further amendments may be introduced until the 1965 session.

Since 1949 the Indiana League has supported reapportionment as provided by the state constitution, i. e., both houses on population. In 1955 the issue was restudied and the League position reaffirmed in favor of a constitutional amendment to use the federal census figures instead of the special enumeration, to include women, to apportion every ten years instead of every six, and to provide for an agency mandated to reapportion in case the General Assembly failed to do so. In addition, the League agreed to support, as a reasonable compromise to get the job done, an apportionment on area and population on some such system as the "federal plan," provided that some weighting be given the more populous counties in the house established on an area basis. Reapportionment in Indiana has remained stalemated for many years with no serious attempt at amending the constitution.

In 1959, with no more direct avenue open, the League supported a bill to establish a reapportionment study commission. In testifying before the Senate Reapportionment Committee in January of 1960, the president of the Indiana League pointed out the general agreement to use the federal census as the basis for enumeration and for some sort of machinery to see that reapportionment takes place at 10-year intervals. She pinpointed the disagreement concerning the basis of representation and called for efforts to find an acceptable compromise. She advocated placing reapportionment in the hands of a commission (in the event the legislature fails in its duty) rather than in the hands of a special session of the legislature.

When the 1961 General Assembly rolled around, no fewer than nine constitutional amendments on reapportionment were brought before it. The study commission had been unable to agree and came in with two proposals, divided along party lines, neither of which was supported by the League. A bill to take an enumeration from the federal census and reapportion immediately was defeated. The League did not support this bill, although it could support a statute effecting immediate reapportionment under the constitution along with a constitutional amendment providing the machinery for future reapportionment in line with the League position.

In August 1962 a case was filed in Federal District Court asking a judgment declaring election from unconstitutional districts illegal and restraining the holding of elections from present districts. On October 19, 1962, the federal court refused to block the November 1962 elections but reserved the right to hear other issues in the case. This case will be consolidated by the court with an Indiana Civil Liberties Union's case also in Federal District Court, which case asks for immediate reapportionment on the basis of denial of equal protection under the 14th Amendment to the U. S. Constitution and under the Indiana constitution. These cases will be heard in April 1963, and the decision will be vital to reapportionment in Indiana, regardless of what steps the 1963 General Assembly may have taken on the matter.

Both houses of the 1963 General Assembly are controlled by Republicans, although the Governor is a Democrat. The Republican proposal for reapportionment calls for a permanent apportioning of the Senate on an area basis with some weighting for more populous areas, and a 10-year reapportionment of the House on population. This, of course, could be attained only by constitutional amendment and would require at least seven years before legislators would be elected on the reapportioned basis. Democrats, on the other hand, are proposing immediate reapportionment under the constitution using the enumeration from the 1960 census.

IOWA: Support for revision of the Iowa constitution and implementing statutes to secure judicial reform, strengthen the executive department, and secure fair representation according to the League's basic tenets. (CA)

Counties in Iowa are obviously dear to the heart of the general public either for themselves or as a symbol, for in the present constitutional provisions of this state county lines establish both a floor and a ceiling for apportionment of the legislature. They appear in the formula for apportionment of at least one house in one way or another in all the proposals including that of the League. At present in the House each county has at least one representative, in the Senate no county may have more than one. With this setup the League as early as 1956 made up its mind that fair representation could not be achieved without constitutional amendment.

Within the small degree of latitude allowed in the constitution the legislature has readjusted the apportionment of the House from time to time and as recently as 1961 has reapportioned the Senate, though the restrictions against a county having more than one senator result in great disparities between the voting strength of predominantly urban counties and that of largely rural counties.

The League in its publications has been at pains to point out that in Iowa the population is about evenly divided between urban and rural, defining rural as farm population and people living in incorporated places of under 2,500 population. In an effort to avoid the urban-rural split which strengthens disagreements, the League has reminded the voters that all counties in Iowa are at least partly rural, and that inequities exist among rural areas and urban areas themselves. The League suspects that its educational campaign over the years has made some imprint on the climate of opinion and that there are in the last few years fewer and fewer statements concerning the "straight thinking" of rural people in contrast to city people. More and more also it has become accepted thinking that the present representation is unfair and something must be done about it. Remaining unresolved is how much emphasis should be given to area and how much to population in allotting legislative seats.

Of the questions before it the League has found most difficult the question of what constituted equitable representation. In 1956 a statewide workshop came to this conclusion and this compromise: "Although having population the sole basis of representation was the ideal, the ideal would not at present be attainable in Iowa. The League, therefore, should compromise and work for a type of plan that might have at least some chance of being considered by the General Assembly -- that is, a plan calling for one house based on area and the other on population. This conclusion was arrived at on the ground of feasibility."

By the spring of 1957 the state League Convention was ready to adopt yardsticks for judging reapportionment proposals. The yardstick for the composition of the Senate allowed for a combination of area and population factors reflecting the willingness of the League to accept a politically feasible standard. As recently as state Convention of 1961 the Convention reworded its basic tenets in this way: "(1) assurance for real and adequate reapportionment every ten years; (2) a non-legislative redistricting authority; (3) provision for the larger house on population and the smaller house (Senate) on multicounty districts." In changing the wording from "a Senate on area and population" to a Senate with "multicounty districts," the League was attempting to avoid misunderstandings about the League's intent -- misunderstandings in the minds of people of widely different views.

This same League Convention of 1961 agreed that the Iowa League would oppose the Shaff Plan. This is a proposed amendment to the constitution which has already passed both houses of the General Assembly and will be before the new legislature in 1963. Should this legislature pass the proposal as worded it will then go to the people. It seemed to the League Council by the next spring (1962) that it would be useful if the League would not only oppose a plan but also take the positive step of proposing one of its own, not that it was the intent of the Council to limit the League to support of its own plan if another were proposed which merited League support.

The basic differences between the Shaff Plan and the plan as proposed by the League are two. First, the League feels that the larger rather than the smaller of the two houses is the one which should be placed strictly on a population basis. In this house county lines should not stand in the way of equal representation and a variation of no more than 10% above or below the population ratio should be allowed. The Shaff Plan makes the smaller Senate the house based on population, allows the same percentage deviation, and allows crossing county lines when necessary. The League feels strongly that by making the Senate the population-based body the Shaff Plan gives the people of Iowa but 58 representatives; the League plan gives the people of Iowa from 100 to 125 representatives depending on the size of the House. The underrepresented people in the cities would have a much weaker voice under the Shaff Plan than under the League plan. In the League plan the Senate would have an area factor, a rather heavy factor in fact, since it still sets a ceiling of one senator for even the most populous counties, but the League sees its plan as the rockbottom most conservative arrangement which it would consider adequate in light of its interest in gaining substantial other improvements.

Second, the League proposals for the redistricting authority remove this power completely from the hands of the legislature. A bipartisan commission, subject to judicial review, has been chosen by the League. In the Shaff Plan the commission's plan is subject to amendment by the legislature and in this way the ultimate power for apportioning is lodged in that body.

In its plan the League has included one other forward-looking step. The League's provisions are not so worded that they exclude the possibility at some future time of the consolidation of counties. The Shaff Plan freezes the present 99 counties into the constitution.

Over the years the Iowa League has shown a willingness to try all avenues to achieve its goal. Having failed to achieve it by means of the legislative process it decided to work for a constitutional convention in 1960, the year in which that question was, according to constitutional provision, placed before the people. A major effort in citizen education and support for a yes vote was undertaken. Working with the Citizens Committee for a Constitutional Convention the League moved into communities beyond the League to distribute information.

In spite of League efforts to secure their support the convention was opposed by the two most powerful organizations in the state -- the Iowa Farm Bureau Federation and the Iowa Manufacturer's Association -- and the convention was defeated by a large vote, though more people voted on the question and a higher percentage voted yes than had been true the last time the question was on the ballot in 1950.

Following Council decisions in May, in the summer of 1962 the League went before the Platform Committees of the two political parties to share its views on reapportionment.

Consideration of its own plan in the light of 1960 census figures helped the League to sharpen its thinking on standards for fair representation. The League no longer finds its own plan adequate. The emerging consensus in Iowa is moving in the direction of approval of a system of apportionment which provides a House on the basis of population and a Senate based on area provided a majority represents at least 35% of the population.

Though the outlook for passage of the Shaff Plan in the 1963 session of the legislature is much better than the League wishes it were, the League will work for its defeat, and, in the event the question goes to the people, is prepared for a full scale campaign in opposition.

Publications: "A Study of State Legislative Representation." A review of legislative representation, what it is, the situation in other states, and what has happened in Iowa. It also has a review of the position of the Iowa League on reapportionment. 25¢.
"What about the Shaff Plan for Legislative Reapportionment." Explains why the Iowa League opposes the Shaff Plan of legislative apportionment. 25¢.

KANSAS: Revision of the Kansas constitution. (CA)

While the League in Kansas was reaching agreement on the subject of reapportionment as a part of its Program item on constitutional revision, for the first time in 50 years the Kansas House was reapportioned. The reapportionment made improvements in the representation of the populous parts of the state within the limits placed by the constitution. Since each of the state's 105 counties is entitled to at least one representative in the House and there are only 20 "floating" seats to be assigned on the basis of population, the House must be listed with those legislative bodies primarily on an area basis.

Reapportionment of both houses in Kansas is required every five years but the Kansas Senate of 40 members has not been reapportioned since 1947. There is no constitutional standard for the basis of representation in the Kansas Senate; it is up to the legislature to decide upon this. Textbooks place the Senate in the list of those legislative bodies based on population but at the present time the disparity between the largest and the smallest district is 343,231 to 16,083.

At the completion of its study the League of Women Voters of Kansas agreed that (1) there should be future reapportionment at reasonable intervals (10-12 years, i.e., after federal census); (2) there should be a mandatory provision with strong enforcement powers; (3) a commission should be responsible and its composition should prevent legislative control; (4) the House should be based as at present and the Senate should be representative of population.

At the 1962 Kansas League Convention the state legislative chairman reported that the prospects were bright that "the Senate... will reapportion itself at the next session." In July following this the Kansas Legislative Council as instructed by the legislature prepared four maps showing various alternative methods of reapportioning the Senate all strictly on a population basis allowing a 15% variation. The League is prepared to support proposals of this kind as well as to work for automatic machinery to enforce regular reapportionment.

LOUISIANA: Equitable periodic reapportionment of the legislature with penalties for failure to comply. (CR)

Failure of the legislature to reapportion itself despite a constitutional directive to do so has been for a long time of deep concern to the Louisiana League. In 1949 the state Convention recommended as a part of its constitutional revision Program item that "Representation in districts be reapportioned according to population." In 1955 "Support of fair and equitable periodic apportionment of legislative representation" was placed on the list of the League's Continuing Responsibilities. Because the League had reached little consensus on particular methods or plans of accomplishing legislative reapportionment and also because major population shifts during the past years had made the present apportionment even more unfair, the 1959 state Convention called for a re-study of the Louisiana reapportionment problems. This study was completed by 1961, when the Convention returned the reapportionment item to its former place among the Continuing Responsibilities.

The consensus developed during the 1959-61 study is essentially permissive and preferential. It calls for an enlarged House of Representatives (approximately 120 members) with the size of the House specified in the constitution and apportioned under the method of equal proportions. The size of the Senate should remain approximately the same. If the Senate is redistricted, the League prefers single member districts. It does not object to dividing a parish to form new senatorial districts. In multiple-member districts comprised of several parishes the League does not oppose electing more than one senator from any one parish; it does, however, stipulate that parishes forming such districts should be contiguous.

The League recognizes the right of the legislature to reapportion itself, but should the legislature fail to comply with this obligation, the League would entrust the Secretary of State with the task of reapportioning both House and Senate, subject to court review. The failure to perform this duty should carry a penalty. It is also the League's consensus that a provision for popular Initiative would be useful in Louisiana.

Although the League admits that a piecemeal approach is, at best, a temporary expedient, it is reluctantly willing to go along with piecemeal reapportionment of the House of Representatives if this would increase representation from underrepresented areas. On the basis of this understanding, the League supported in 1960 a constitutional amendment raising membership of the House from 101 to 105 and granting East Baton Rouge and Jefferson Parish two additional representatives each.

In its newspaper releases the League said: "The great stumbling block to reapportionment in many states is that a fair allocation of seats would mean voting one or more legislators out of a job. The present size of the House in such states precludes adding additional representatives. Fortunately this is not the case in Louisiana. We can correct the glaring injustice to East Baton Rouge and Jefferson without taking a seat from any other parish and still have a total House membership of only 105...The League of Women Voters urges citizens not to wait for the millennium, but to vote now for Amendment #17." This the people did.

At the 1962 legislative session prospects were not bright but at least there were a number of proposals before the legislature of which the most hopeful was one to create a special 7-member committee to study and report at the next session. It was proposed that the committee consist of two members appointed by the president of the Senate, three members by the House speaker, and two members by the Governor. These last two would be citizens-at-large. The composition of the committee, however, was eventually altered. By gubernatorial appointment two additional legislators took the place of the two citizens-at-large.

This legislative study committee started its schedule of public hearings in October 1962. The hearings were conducted by congressional districts. Louisiana local Leagues appeared at the hearings for their respective districts in support of the position of the Louisiana League. The committee is expected to formulate its recommendations in time for them to be presented to the 1963 session of the legislature.

MARYLAND: A study of the state constitution with support of revision to achieve equitable representation in the General Assembly. (CA)

Support of equitable congressional redistricting in Maryland. (CA)

With the approach of the 1960 decennial census which would expose to view an increasing inequality of voting power in the Maryland legislature, the Governor took the step of appointing a commission to prepare recommendations for action by the state legislature. With the prospects for action which this presented, the League of Women Voters of Maryland set to work on a study of the apportionment of the General Assembly and the situation in Maryland.

Maryland is one of two states where legislative apportionment is spelled out in its entirety in the state constitution which provides no method for reapportionment except through constitutional amendment. The power to initiate amendments lies with the legislature which must agree by a three-fifths majority. Change by way of a constitutional convention has been blocked by the rurally dominated legislature through the simple device of failing to call such a convention even when the people, at the regularly scheduled times, have by ballot indicated that such a convention should be called. There had, until 1962, been no major reapportionment of the Maryland legislature since 1867, and in 1950 the apportionment as of 1940 was frozen into the constitution. Since the city of Baltimore and the four suburban counties in the Baltimore-Washington area have 76% of the population of the state, the degree of malapportionment and its effect on urban interests were plain to see.

The Governor's commission made its proposals in November 1959. An analysis revealed that the proposed changes were minimal, tempered to a large extent by what members of the commission felt was politically feasible. The League studied the proposals and decided to support them as a step in the right direction. Inequities were lessened by increasing the size of the lower house, giving the additional seats to the most populous counties. No changes were made in the Senate, nor was the representation reduced in the grossly overrepresented counties in the House. Even this mild change failed of the required three-fifths vote and a second bill calling for a constitutional convention did not receive the necessary majority in the Senate. The convention method of change was the method preferred by the League.

In the early summer of 1960 the Maryland League joined the Maryland Committee for Fair Representation, a nonpartisan organization open to all regardless of political party, which had been established in May. This group appeared before the Platform Committees of both political parties and published the opinions of the candidates on the reapportionment issue for the guidance of the voters in the general elections in the fall of that year.

On August 12, 1960, the committee filed a bill of complaint in the Circuit Court for Anne Arundel County naming the Governor of Maryland and the Board of State Canvassers, charging that the existing apportionment of state legislators is a violation of the 14th Amendment to the U. S. Constitution and Article 7 of the Declaration of Rights of Maryland. The bill of complaint stated that no relief was possible through the legislature as constituted and sought to enjoin the Board of

State Canvassers from certifying the election of any member of the General Assembly of Maryland in November 1962 or thereafter unless elected at large or until reapportionment was provided by constitutional amendment. The lawsuit also sought a declaratory judgment stating that the failure of the General Assembly of Maryland to convene a constitutional convention, as approved by referendum of all voters in 1950, violated the provisions of the Maryland constitution and the Declaration of Rights of Maryland. The lawsuit was filed in the name of the Committee for Fair Representation and also by citizens from each of the urban counties and Baltimore City.

In filing a brief as amicus curiae the League of Women Voters of Maryland was something of a pioneer (though not the first League) in making use of judicial channels to promote its point of view. In the brief the League made no effort to reaffirm the existence of malapportionment but propounded some of the results which may stem from it. They said in part "...no state can reasonably expect to prosper and to serve well any of its citizens if the majority of them are relegated to a sort of second class status. Unmet urban needs, in the not-so-long run, will weaken the state government... When a majority of the citizens of a state are powerless, because of disproportionate representation, to accomplish the state programs and policies which they espouse through lawful democratic processes, they must, to a degree, lose faith in and respect for their state government."

In February 1961 the courts as an avenue of relief were closed by a decision that the matter was a legislative one in which the court would not interfere. This, of course, was prior to the Supreme Court decision of March 1962.

League consensus was firm on three points: (1) reapportionment should occur every ten years; (2) the prescribed procedures should be enforceable; and (3) the House of Delegates should be based on population with the proviso that each county should have at least one delegate. This area factor is small indeed in a state with only 23 counties and Baltimore City fairly equal in geographic size and a House of Delegates of 123. The League members could not agree on a basis of representation for the Senate, currently composed of one senator from each county and six from Baltimore City. Within the last year the League has added one more position to the three above. The League may support legislation seeking reapportionment through the establishment of legislative districts within populous counties.

The suit which the Circuit Court refused to adjudicate was won in the Maryland Court of Appeals when, subsequent to Baker vs. Carr, the Court of Appeals reversed the Circuit Court's decision and remanded the case to it with instructions to hear the case and to retain jurisdiction so that relief could be granted before the general elections of November 1962 if the situation warranted such relief. When the Circuit Court declared the composition of the House unconstitutional, the decision vacated that part of Maryland's constitution which established representation in that body. The Maryland legislature met in May and reapportioned by statute by the fairly simple expedient of adding 19 seats to the House and apportioning them among the more populous counties so that now at last Baltimore City and the four suburban counties of the state which account for 76% of the population have a majority of the seats in the lower house. The apportionment of May 1962 will expire in 1966 or 1970 and revert to the apportionment prior to Baker vs. Carr unless in the interim the people by constitutional amendment provide for the basis of representation in the House of Delegates. Since the apportionment prior to Baker vs. Carr has been declared unconstitutional this poses something of a legal problem.

Nothing was done to alter the Senate, for the Circuit Court in its decision had upheld the "federal analogy" argument and determined that this body could remain on an area basis. This the tenacious and determined Maryland Committee for Fair Representation appealed. The Court of Appeals in a four-to-three decision in July upheld the lower court's decision so in the election of November 1962 the Senate was elected on the same basis upon which it has been chosen for many many years. The Committee for Fair Representation is of the opinion that with one house with a majority from the urban-suburban areas and the other completely controlled by rural counties, stalemate in state government will be the end result. The decision of the Maryland Court of Appeals is being appealed to the Supreme Court of the United States.

As the Committee for Fair Representation went into action in the matter of the pattern of representation in the Senate, the Maryland League quietly withdrew from membership as an organization, lacking a League position on this.

Meanwhile the League in Maryland had been in the midst of a major effort to achieve equality of representation in congressional districts and at this date it has won at least half the battle. With the 1960 census Maryland was allocated an additional congressman. Though this gave the Maryland legislature the opportunity to make a long overdue redistricting to bring the size of districts into some approximation of equality, the legislature satisfied itself by dividing the largest district into two districts leaving a range of district size from 243,000 to 622,000. Suburban Baltimore counties and Montgomery County in suburban Washington were the most badly underrepresented.

The League of Women Voters, enthusiastically supported by other groups and individuals, took the lead in obtaining signatures on a petition to prevent the redistricting bill from becoming law. The needed number of signatures was only 10,000 but the petitioning group had no trouble obtaining three times that many, thereby forcing a referendum at the November 1962 elections. The newly allocated congressman was elected at large. The League carried on a vigorous campaign to get a "No" vote at the polls, employing effectively all the devices of flyers, bumper stickers, offers to speak, and ringing doorbells. With the support of the metropolitan press, the referendum was won. The redistricting bill was voted down in 13 out of 24 political subdivisions and a total vote of 212,000 to 115,500. The League will continue to press for equitable redistricting.

Publications: "Reapportionment in the Maryland General Assembly, Part I." General study including background, effects, Maryland's problems. 7 pages. 12¢.
"Glossary of Terms -- Reapportionment." 2 pages. 3¢.
"Reapportionment in the Maryland General Assembly, Part II." Walsh Commission Report. Free.
"Reapportionment in the Maryland General Assembly, Part III." Basic criteria. 11 pages. 17¢.
"Memo, September 27, 1961 and August 29, 1962." Updating situation on reapportionment and background for additional consensus. Free.
"Background for Redistricting in Maryland." 3 pages. 5 ¢.
"Memo on Redistricting." 3 pages. 5¢.
"Support for Equitable Congressional Redistricting." 9 pages. 10¢.

MICHIGAN: Support a platform for constitutional revisions which will provide a basic framework for state government free of statutory detail. (CA)

In 1949 the Michigan League started its study of reapportionment as a logical prerequisite to further work on constitutional revision since delegates to a constitutional convention would be elected on the basis of senatorial districts. In its study the League came to these conclusions: each house should be on a different basis; one house should be on a straight population basis (the provision for representation of a moiety, one-half or more of the basic ratio, should be changed); there should be specific provisions (lacking in the constitution at that time) for apportioning; provision should be made for enforcement of periodic reapportionment in case the legislature failed to act; and districting of cities should be allowed (at the time Detroit elected all of its representatives at large).

In 1952 two constitutional amendments were placed on the ballot. One required a straight population basis in both houses; the other continued the existing moiety factor for the House and established permanent senate districts which gave only small consideration to population. Since neither amendment met all League standards, the League took no position on either proposal. Voters ratified the amendment featuring the permanent senate districts. It failed to meet League standards on three counts -- neither house was on a straight population basis, apportionment provisions for the Senate were not specific, and only the House was to be periodically reapportioned. The amendment did meet League standards for districting of cities and provision for reapportionment by a secondary authority, the State Board of Canvassers, in case the legislature failed to act. The reapportionment provision was not scheduled for use until 1963.

Starting out as a part of a Program item on constitutional revision, the immediate aims in the matter of reapportionment became increasingly submerged in the larger aim of achieving for Michigan a new and modern state constitution by way of a state constitutional convention. The still continuing Michigan Con-Con story is one of the great action stories in the League of Women Voters. Part of this story has been told in the Inventory of Work by State Leagues of Women Voters on Constitutional Revision. For the purposes of this particular Inventory, it is enough to know that more than 300,000 signatures were collected for an initiative amendment which the people passed in November 1960. This amendment provided for placing the question of calling a constitutional convention before the people, a change in the vote from the majority of those voting in the election to a majority of those voting on the question, election of delegates from representative as well as senate districts, and a time schedule for electing delegates and convening the convention. This proposal too was passed by the people. The delegates were elected and the Michigan State Constitutional Convention met in October of 1961.

At the League Convention the preceding spring the members clearly showed their determination to use this hard-won opportunity to the fullest by preparing themselves to speak for a good new constitution from well-considered, freshly understood positions. For this purpose all the positions in regard to constitutional change which had been part of the League's Continuing Responsibilities were returned to the Current Agenda under an umbrella heading. Under this umbrella were spelled out the League's positions and those areas where the League wished to refine or develop more consensus, as well as review in preparation for the vigorous action foreseen during the constitutional convention. Over the long summer League members addressed themselves to a tremendous list of questions in a large number of areas, not the least important of which was the area of apportionment. The League reviewed the long-standing position described above and looked for answers to a number of specific questions. How often should there be periodic reapportionment? What should the basis of representation of the other house be, it

having been agreed to that one house should be strictly on population and that the basis of the two houses should be different. Should the legislature be unicameral?

By late fall of 1961 the Leagues reported their findings. Ten-year intervals for reapportionment were thought advisable. The second house should reflect both population and area. Neither of these factors should be heavily weighted, but rather there should be a balance between them so that people were adequately represented and minority rights were preserved.

The League's over-all position on reapportionment -- as well as all other positions -- was accepted by the Committee for a Sound Constitution, a nonpartisan group of individuals working for a simple, flexible state constitution. This group, which the League had helped to organize, listed 45 prominent people on its Board of Directors and operated in cooperation with the League in spreading information and lobbying for the agreed-to standards.

Reapportionment was as hot an issue as any that faced the convention. Indeed it was on this issue that the convention split along party lines in the final vote to send the new constitution to the people of Michigan for ratification in April 1963. Because of this violent disagreement of opinion -- it is around this issue that the fight for the adoption of the constitution may focus -- and because the Michigan courts have handed down a decision in regard to the apportionment of the Michigan legislature and the matter is still under appeal, the Michigan League is paying careful attention to the reapportionment provisions of the new constitution for which they are vigorously campaigning. Apportionment ranks number one on the list of items which the League feels are the biggest improvements in the proposal. In Campaign Bulletin #1 the League says: "Q. What does the League feel are the biggest improvements in the proposed constitution? A. (1) The legislature is made more representative. Michigan's present badly apportioned senate districts are unfrozen by the proposed constitution and representation is based on logical and specific factors of both population and area. Thus, the proposed Senate will represent majority concerns and consider minority interests. House apportionment is improved to make it more nearly according to straight population. Both parties in the Con-Con Apportionment Committee (and the League) believe that county lines should be followed in drawing up house districts because of election procedures and party organization. The Con-Con research staff prepared maps which show that the closest districts can be made to come to straight population and still adhere to county lines is about 75% of the population ratio. The proposed constitution provides that districts must contain at least 70% of the population ratio. Under the proposed apportionment, Michigan will rise from 8th to 3rd place in the listing of states with the most truly representative houses, and from 29th to 10th place in the listing of most representative senates. The houses of Alaska and Oregon are the only two more closely apportioned according to population. Six of the states which outrank Michigan in the senate listing are states where the senate, rather than the house, is the body based primarily on population. The proposed constitution also provides that both senate and house shall be reapportioned every ten years right after the federal census. Thus, both houses will reflect population shifts and changes."

The opposition contends that neither house is on a strictly population basis and that both houses should be. The League points out that as long as county lines are adhered to, and both parties and the League were in favor of this, there would be somewhat more area factor in the proposed house than the League would have preferred ideally. League standards are met by the proposed apportionment of the Senate which is based 80% on population and 20% on area according to a formula which weights each county's percentage of state population four times more heavily

than it does the percentage of land area. The apportioning agency would be an 8-member bipartisan commission selected by the parties, one from each party from each of four zones. The work of the commission would be subject to court review.

Meanwhile a suit brought to the Michigan Supreme Court in 1959 charging that the senate districting was unconstitutional had been denied on the basis that this matter was not within the jurisdiction of the court. After the Baker vs. Carr decision of March 1962, the Michigan court was directed by the U. S. Supreme Court to "re-examine" the suit. This it did and in July 1962 handed down a decision that the existing apportionment of the Senate was unconstitutional. One of the interesting points at issue here is that the apportionment of the Michigan Senate had been frozen into the state constitution by the people in 1952 (one of the amendments mentioned earlier in this section upon which the League took no position). In making the decision, one of the Justices advised that any apportionment would be unconstitutional if it permitted a population variance of more than 2 to 1. The present Senate variance is 2.5 to 1. With the shortage of time between this court ruling and the Michigan primary threatening to throw the election of the Senate at large, a petition was presented to the U. S. Supreme Court for a stay of execution. This was granted by U. S. Justice Potter Stewart in the interim of the Court recess. Elections in November were held on the basis of the 1952 apportionment.

The constitutional convention met for a final time shortly after these steps had been taken and on the agenda was the question of whether or not the provisions in the proposed constitution for the apportionment of the Senate would or would not be considered constitutional and whether or not there should be any changes in the document in this regard before it went to the people in April. (There were divisions of opinion as to whether the new provisions would be considered constitutional. The proposed variance does run as high as 3.5) Aside from changing the operative date of the election of senators under the new formula from 1970 to 1966, the convention decided to leave the provisions as they stood.

On October 15 an appeal of the July Michigan court's decision was filed in the U. S. Supreme Court. The U. S. Court has not yet said whether or not it will review the Michigan decision.

The League has this to say about its position on the new constitution and the court action: "The revised constitution comes very close to meeting League standards for the population-based house and does meet our standards for the house based both on population and area. Periodic reapportionment of both houses is also guaranteed in the revised constitution. At the moment, the whole question of the basis of representation in the Michigan Senate is a matter of judicial rather than legislative concern. As such, the question is beyond the area of citizen activity. Court decisions must be based on law and judicial interpretation of law rather than citizen viewpoints. If the basis of legislative representation finally stands as a matter of judicial interpretation and if the requirements for representation stand defined judicially, all people -- League members included -- will have to abide by that interpretation and definition. The July 18 decision of the Michigan Supreme Court interprets and defines the equal protection of the law provided in the 14th Amendment to the Federal Constitution as requiring the Michigan Senate to be based on population with a maximum variance of 2 to 1. This is now the law in Michigan. If this decision remains standing as law either because the appeal is denied by the U.S. Supreme Court or the U. S. Supreme Court upholds the Michigan court's decision, then Michigan's Senate apportionment must conform to the standards set by the July 18 Michigan court decision."

Publications: "State CR's: No. 6. Reapportionment." Publication #113-59 and the Supplement of September 14, 1960. The Michigan League's work on apportionment is briefly described; present positions are explained. 3¢.

"1961-63 State Item I Resource Kit, Volume I." Support a Platform for Constitutional Revisions which Will Provide a Basic Framework for State Government Free of Statutory Detail. June 1, 1961. The chapter on apportionment, pages 21-39, presents detailed resource material on all aspects of the issue. Pros and cons of the background information and consensus questions are included. 50¢.

"Platform for Constitutional Revisions of the League of Women Voters of Michigan." (Publication of the Committee for a Sound Constitution). January 13, 1962. This "Platform" lists all the League positions regarding constitutional revision including the apportionment positions reached as a result of the study in the 1961-63 State Item I Resource Kit, Volume I, mentioned above. Free.

"Vote 'Yes' on the Revised Constitution." Campaign Bulletins. May 22, 1962 until April 1, 1963. This is a series of Bulletins now being issued. Bulletins #1, 2, 3, 4, 5, and 8 contain information on apportionment, the proposed plans for House and Senate, the Michigan court case, and answers to objections made to the proposed apportionment. Price for entire series: $1.50. Single Bulletins may be purchased separately; prices vary from 3¢ to 30¢ per copy, depending on length. #1, 5¢; #2, 30¢; #3, 7¢; #4, 3¢; #5, 10¢; #8 -- soon to be published.

"It's Your Choice." November 1962. This pamphlet discusses the 1908 and the proposed 1963 constitutions. The proposed apportionment plans are explained and compared to the present districting on pages 6 through 9. 10¢.

"Press Releases on the Proposed New Constitution." Articles 2, 3, and 4 explain the proposed apportionment provisions. These articles were released on October 8, October 15, and October 22, 1962. 2¢ per article.

MINNESOTA: Reapportionment by statute (CR) (dropped 1961)
Reapportionment by amendment (covered by CA): . The League of Women Voters of Minnesota will work for amendments to improve the constitution of the State of Minnesota.

Minnesota has, since 1953, been working for equitable reapportionment in two ways: (1) by statute carrying out present constitutional provisions and (2) by a constitutional amendment which would provide for apportionment of one house strictly on population; put a fair, specific, flexible area factor into apportionment of the other house; and provide effective enforcement machinery to assure reapportionment after each federal census.

Pressures on the legislature to reapportion were increased in 1958 by appointment of a Governor's Committee on Legislative Reapportionment, with a League member as co-chairman, which reported majority sentiment for an amendment containing enforcement provisions, area considerations in one house, strict population in the other. The amendment incorporating the committee's proposals (referred to as the County Representation Plan) was adopted by the House and refused by the Senate. The League supported it.

More influential was a history-making opinion handed down by the Federal Court in Minnesota on a suit brought to force reapportionment. The court said that it was

the clear duty of the legislature to apportion itself periodically in accordance with population changes and that while the new legislature should be given the opportunity to do so, the court would retain jurisdiction of the case should the legislature fail to reapportion. The plaintiffs pleaded their cause under the "equal protection of the laws" clause of the U. S. Constitution (14th Amendment) with the League appearing as amicus curiae.

The battle in the legislature centered around the rural reluctance to apportion without the guarantee of an amendment to protect the rural voice, and around each chamber's desire to retain the area factor, which would least upset its status quo. In 1959 the legislature did pass a statute, the Bergerud-Popovich bill, the first since 1913, giving more voice to underrepresented districts, effective in 1962. While by no means clearing up all the inequities, it was such a substantial improvement that the plaintiffs in the suit asked for and were granted a dismissal without prejudice.

At the same time the legislature passed as a companion piece a constitutional amendment for action by the people in November 1960. Fortunately the statutory reapportionment was not tied to acceptance of the constitutional amendment. After careful study the Minnesota League decided to actively oppose the passage of this amendment for a number of reasons. The proposal, it felt, suffered from vague, general, and nonspecific language, which neither guaranteed a population basis in the House nor revealed how the area factor would work in the Senate. The enforcement proceedings, which in the event the legislature failed to comply with the constitution called for a special session of the legislature immediately following the regular session after the decennial census, would keep the special session in being without pay until compliance had been accomplished. The League objected to these provisions as weak and, in the area of compensation, unfair. It seemed to the League unwise that the special session must complete its work before other urgent matters could be considered. There was no provision in the amendment for judicial review.

There was much League effort devoted to the defeat of the amendment. This was done with Speakers Bureaus, posters, advertisements, and letters to the editor. It was felt that the amendment failed largely because of League efforts.

Proposals for a reapportionment amendment received little attention in the 1961 session of the legislature. Only in the House committee was the matter taken up.

Though the League in Minnesota no longer has Program authority for action on statutory reapportionment, should an amendment be offered which simply provided for enforcement of the present constitutional formula, the League could support it if it met League standards.

MISSISSIPPI: Reapportionment of the state legislature on the basis of population. (CA)

"Do People Count." "Where you live in Mississippi = how much you count in state government." "If you move in Mississippi now you can devaluate your 'count' by over 90%." "Now is the time to make the people count." "Now is the time to make the people count equally." With these effective and easily understood slogans the League has been presenting to its members and the public the apportionment picture in Mississippi and suggesting the need for remedy.

The situation in Mississippi is not unlike that elsewhere where the rigidities of the state constitution present a formidable hurdle to any sort of change -- so

formidable in this instance that no reapportionment whatsoever has taken place since 1890. Representation in the House has been by area; in the Senate by population. But equality by count of people in either house has long been ignored in the face of the usual population shifts. Change must come through constitutional amendment when, as, and if such a change is initiated in the legislature and receives the required two-thirds vote or by constitutional convention which may be called by a majority vote of the same body.

Looking ahead toward the 1960 census there was a growing interest in the subject, aided and abetted by the League which turned its major efforts toward public education. The first League publication entitled "Do People Count" described the situation and explained a number of possible solutions. League members themselves decided in favor of a system for both houses which would be substantially on the basis of population with some area factor through provision for a floor of at least one representative to a county (82 counties, 140 seats) and by allowing representation in both houses for a major fraction of the basic ratio.

At the close of the 1960 legislative session, 56 legislators petitioned the Governor for a special session on reapportionment. The League used this occasion to express to the legislature its position on the need for reapportionment. Though the League continued to take such action as was open to it - the only organization in the state to take any active step - no action was taken by the legislature until fall of 1962.

The threat of enforced apportionment by the federal courts stimulated passage of a reapportionment bill in October of that year. This plan met none of the League criteria for fairness since it merely reshuffled the existing unequal representation from the House to the Senate in what the League statement called a game of "legislative musical chairs." Furthermore, the proposed enlargement would produce a Senate for which a new meeting place would have to be provided. Although the League conducted an intensive campaign in opposition, it does not take credit for the defeat of this plan at the polls in November. The plan was so glaringly unfair that, although it had the support of the Governor, the Speaker of the House, a few days before the election in the midst of rising opposition from all underrepresented areas in the state, called for defeat of the plan in order to prevent intervention by the federal courts.

In December the second special session of the legislature passed a more realistic bill for reapportioning both houses giving greater representation to more populous counties. The plan decreases the House membership and slightly enlarges the size of the Senate. It is based on population using the major fraction method, not unlike a proposal made by the League. Opposition is expressed by legislators from smaller counties which will lose representation. Some urge that population count be based on race or on numbers of qualified voters and warn of too "liberal" government by city representatives. The proposal will go to the people in February at a special election. In the opinion of the League the plan, though it fails to meet all League criteria, is the best that can be expected from the legislature.

The League expects to give qualified support to the plan as a compromise step toward election of a legislature somewhat more representative of the population and more likely to pass legislation for more equitable reapportionment meeting League criteria.

League action will include an educational campaign pointing out the inequities of the proposed plan which is not based strictly on population -- a minority of the population would still have a majority of the legislative seats; the lack of provision for compulsory automatic reapportionment or for action by an independent agency if the legislature fails to act; and, therefore, the need for continued effort and demand by the people for a more democratic fair apportionment.

If this plan is voided by a state or federal court, the legislature may be given another chance to reapportion itself more fairly. Reapportionment would have a better chance if the new legislature is elected under the 1963 plan than if it is elected under the 1890 plan.

Publications: "Now is the Time." Flyer with statistics on situations and standards for judging.

MISSOURI: Evaluation of the Missouri constitution considering the November 1962 referendum on a constitutional convention. (CA)

In evaluating its state constitution the Missouri League has had the rare experience of evaluating a document which another generation of Leaguers had a share in shaping and adopting. A new constitution was accepted by the people of Missouri as prepared by a constitutional convention in 1945. The League had a large role to play in the call to convention, at the public hearings, and the acceptance of the new constitution at the polls.

One of the provisions of the 1945 document was that the question of calling a constitutional convention should be placed on the ballot at 20-year intervals so that there would be regular opportunity for the people to consider this vital question. The League, having a special interest in this question by virtue of the work long ago, adopted in 1961 a Program item which would allow members to study and decide whether or not they would work to get out a "Yes" vote for a convention. In doing this they naturally had to take a good look at the constitution as it now exists. The conclusion of the members was that this was not the time to call a convention, that on the whole they had a fundamentally good constitution, that there was little interest throughout the state in such a call, that there were not enough needed changes to warrant the time and money required, and that the necessary changes could be obtained by amendment. The League proposed instead the creation of a permanent committee of the legislature and the public to do a continuing study of the constitution and to make orderly recommendations for amendments to the legislature. The referendum on the call was defeated in the November 1962 elections.

The League finds that there are three areas which need reconsideration. These the members are currently studying. One of these areas is the apportionment of representatives to the state legislature. Materials have been prepared and the League hopes to have a position on whether improvements are needed and if so how they might be achieved.

The Missouri House is the area body. Each of the 115 counties is entitled to at least one seat, additional seats being allocated to counties in proportion to population, the rate of increase being spelled out in the constitution. There is no ceiling on the size of the House which at present has 163 members. This results in the usual situation where rural counties have a controlling voice in the House.

There is malapportionment among the rural counties as well as between urban and rural counties. The House specifications are spelled out so completely in the constitution that reapportionment is practically automatic. The Secretary or State certifies to the county courts the number of representatives to be elected in the respective counties.

The Senate with a fixed number of 34 seats is the body based on population. Contiguous, compact, and as nearly equal in size as possible are the governing rules. No county may be divided. No district may vary from the ratio by more than 25%. Multimember counties are districted under the same standards. There are provisions for automatic reapportionment by a commission appointed by the Governor from lists supplied by each political party, with election at large required if the commission fails to act within six months.

In either House or Senate the division of multimember counties into districts is the duty of the county courts except in the city of St. Louis where it is in the hands of the Board of Election Commissioners and St. Louis County where it is done by the County Council. Following the 1950 census when the Senate was reapportioned the legality of the subdistricting within the counties came into question. This matter was ruled on by the state Supreme Court and changes made to make the districts meet the standards as given in the constitution.

Publications: "Evaluation of the Missouri Constitution." Part I (1961) and Part II (1962). Contains an analysis in detail of sections of the constitution. 30¢ each.
"Facts about the Missouri Constitution, 1961." Brief statement of each article of the constitution with possible changes. 14 pages. 5¢.
"Legislative Apportionment, 1962." Statement of the problem; U.S. Supreme Court decision in brief; Missouri constitution provisions; possible changes. 6 pages. 10¢.

NEBRASKA: The study of legislative apportionment and redistricting. (CA)

The Nebraska League work on reapportionment which is getting under way is part of a larger study of the executive and legislative branches of the state government. As elsewhere, events in the field of reapportionment are moving so rapidly in Nebraska that it is difficult to prepare basic materials for the use of local Leagues in coming to a League position which do not almost at once become obsolete.

The Nebraska constitution provides for a one house legislature consisting of not less than 30 nor more than 50 members, elected from single-member districts on a nonpartisan ballot. The legislature became unicameral as the result of an intiative amendment proposed and carried in 1934. The last bicameral legislature in 1935 had the duty to determine the number of members of the legislature under the new system and to district. The state was divided into 43 districts. The number of seats and the districts have remained unchanged from that day until the time of this Inventory. The basis of representation at the time of the 1935 districting was population.

In the 1961 legislative session a constitutional amendment was proposed which would allow crossing county lines in drawing district lines and would allow a prescribed weight to be given to area, the weight to be not less than 20 % and not more than 30%. Before this question could be taken to the people federal judges in Nebraska had handed down a decision in a case requesting the court to rule the proposed amendment unconstitutional and to require apportionment on a population only basis. The court ruled to table its decision until the people should have opportunity to speak and the legislature opportunity to take action neither invidious nor arbitrary. The court made it clear that it reserved the power to make a decision on the validity of the amendment in whole and in part.

The amendment upon which the Nebraska League had no position passed by a substantial majority. The newly convened legislature has the responsibility for implementing the new amendment which lacks specific definition keeping in mind possible court action. There remains to be decided such questions as whether area means square miles, whether each district would have the same area weighting, whether the court would accept a 20% area factor but would be less likely to accept a 25% or 30% area factor. There is the possibility of an increase in the size of the house to 50.

In addition to deciding upon a preferred basis of representation for the legislature the League will consider the advisability of mandatory redistricting and the possible form it should take. Though the courts have intervened in the state, the League is confident that there is still a place for citizen action in the field of reapportionment in the state of Nebraska.

Publications: "Reapportionment." January 1963. 10¢

NEW MEXICO: Support of legislation to provide more equitable representation in in the state legislature. (CR)

The New Mexico League started its study of this aspect of state government in 1953 and by 1955 was prepared to support legislative reform. At that time legislative representation was fixed by the constitution and no provision was made for change to accommodate the usual changes in population. Furthermore, counties were grouped into what were referred to as "shoestring districts." These were groupings of counties which elected a representative-at-large. In addition a county within the shoestring district might or might not be allotted one or more representatives elected from the county. In this way, to quote the New Mexico League, "a county might have one-half, one and a quarter, or two and a half representatives."

The shoestring district was one of the features of the apportionment system which the League wished to see abolished. In its place the League wanted the assignment of at least one representative to a county with the remaining seats assigned on a population basis by means of a mathematical formula. Reapportionment was to be automatic at 10-year intervals with legal safeguards to see that it was accomplished.

A constitutional amendment was before the people in 1955 which would allow for the elimination of shoestring districts but, since other provisions in the amendment were not within the League position, the League took no action on the amendment. The constitutional amendment which received a favorable vote made no provision for automatic reapportionment but did give permission to the legislature to reapportion itself.

The legislature took advantage of the permissive constitutional amendment of 1955 to reapportion itself, eliminating shoestring districts. Every county now has at least one representative and one senator (no county has more than one senator). Representation for the more populous counties was increased by increasing the size of the House of Representatives. No county lost any House representation. The mathematical formula was not applied. The Legislative Council staff is now preparing a study of reapportionment for the Council.

NORTH CAROLINA: Support of measures to promote equitable representation in the General Assembly. (CR)

As early as 1956 the North Carolina League began a legislative campaign calling attention to the inequities which had developed in the representation of the legislature which had not been reapportioned since 1941. The League's first appearance was before a Commission on Legislative Representation. The next year the League, after a study of the commission's proposals, agreed on the need for a Reapportionment Commission as the apportioning agency and testified before a Senate Committee in support of such a constitutional amendment. The commission's proposals were rejected by the General Assembly which countered with authorization of the appointment of a Commission on Constitutional Revision.

The North Carolina constitution calls for a House of Representatives of 120 members, each of 100 counties to have a minimum of one represenative, the remainder to be divided among the counties according to their population rank. The Senate of 50 members is to be elected from districts containing "as near as may be" an

equal number of inhabitants. No county is to be divided unless it is entitled to two or more senators. There was no provision for automatic reapportionment, although the constitution provides that it shall be done after every federal census.

The lack of provision for regular reapportionment became the focus of the League effort. The League supported proposals of the North Carolina Constitutional Commission for insuring decennial reapportionment of the House and consideration of redistricting of the Senate "until performed." According to this plan, the House would be reapportioned by the Speaker of the House who would apply the constitutional formula to the population figures of the latest census in assigning any additional seat or seats to a county on or before the sixteenth day of the session. An amendment providing for consideration of redistricting "until performed" replaced the proposal that a committee composed of the Governor, the President pro tempore of the Senate, and the Speaker of the House be responsible for redistricting the Senate. Action on this proposal was postponed along with all plans for constitutional revision which were handled as a unit.

In preparation for the 1961 legislative session, the members of the League made a thorough re-study of the whole problem and were able late in that year to enlarge their position. The North Carolina League now supports a plan for representation in which the Senate equitably reflects the distribution of population and the House reflects area with due consideration given to population and the establishment of an apportionment agency with full and final authority to carry out redistricting and reapportionment after each federal census.

When the General Assembly convened in February 1961, reapportionment flyers with a covering memo were sent to each member and to many newspaper editors. The League testified at public hearings. A bill to apportion the House according to the 1960 census was passed and a proposal for a constitutional amendment for the purpose of providing an automatic apportionment of the members of the House was passed and sent to the people for a vote which took place in November 1962. Redistricting failed in the Senate.

In planning for action at the polls in 1962, the North Carolina League had a number of choices. There were several constitutional amendments before the people, two of which the League supported. The other League position was on court reform. A Citizens Committee had been organized in its support. Could the League work with the Citizens Committee for court reform and at the same time distribute flyers and take other steps to get a favorable vote on its position on reapportionment? It was finally decided that the League and the Citizens Committee could not associate at the state level, although there was an exchange of all materials prepared for the court amendment. Local Leagues were appraised of the situation and wherever it was possible cooperated at the local level, either as individuals or organizations. Some League women served on the Citizens Committee at both state and local levels. There was also considerable cooperation with a committee of the state Bar Association at the state level. The League made a further choice of not issuing pro and con information on the two amendments on which it had positions. Voters Service information for the remaining ballot questions was given on separate materials.

For action on Program, the League printed 200,000 flyers -- "I'm a Voter and I'm Mad." One hundred thousand of these were allotted to the local Leagues on the basis of a formula which took into account both population and the number of working members. The allotments varied from 3,000 to 20,000. Members of the state Board had raised money for a special fund for this purpose. An additional 100,000 flyers were paid for by the state Bar Association and distributed by the Democratic and Republican Executive Committees in Mechlenburg County (Charlotte).

Workshops were held in October and materials distributed for League use. These included bumper stickers, posters, and small tags to wear.

Both League-supported amendments received an affirmative vote. From now forward it is provided in the state constitution that the Speaker of the House shall apply the apportionment formula if the House itself fails to do so. Further action is expected on redistricting of the Senate in the 1963 session of the General Assembly.

OHIO: Support of measures to reduce inequalities in representation in the Ohio General Assembly based on the principle of reasonable balance between area and population. (CR)

Amendment to allow subdistricting of populous counties for election of members to the General Assembly. (CR)

The 1958-59 study of representation in the General Assembly of Ohio resulted in a much better understanding, both within the League and in the various communities, of Ohio's complex system of apportionment and the meaning and use of the phrase "ratio of representation." The constitution of 1851 using the county as a unit provided for equality of representation in both houses carried out in thoroughness including the unique system of allotting additional members in one or more sessions of a decennial period as representation for the large fractional remainders in a county after the division of the population by the ratio. Under this constitution counties with less than one-half ratio were joined to adjacent small counties. This careful plan for representation on a population basis was changed by the Hanna Amendment of 1903 providing that each county have at least one representative no matter how small its population, a provision bringing about increasing malapportionment as the rural counties remain static in size at a time of tremendous urban growth.

Within the League strong opinion developed in the more densely populated areas for representation based on population alone. This could be accomplished by repeal of the Hanna Amendment. Equally strong opinion developed in the less densely populated areas for representation based upon a formula including both population and area factors. Many realized the hopelessness of getting reapportionment on a population basis adopted and were willing to compromise. This compromise position is expressed in the wording of the Program item.

At the present time the Hanna Amendment is the subject of court action. Should the amendment be declared unconstitutional the provisions in the state constitution of 1851 would prevail and the number of members in the lower house would be determined purely on a population basis. There have been proposals to enlarge the size of the House so that each county would retain at least a single representative but more populous counties would have more.

The constitutional provisions for apportionment in Ohio do not allow for subdistricting of multimember counties. This has resulted in "bed sheet" ballots in some counties, particularly in the urban county of Cuyahoga. The League has been working with vigor, though alone, for a constitutional amendment which would allow subdistricting. In trying to build public understanding of the need for a change in this system which places an intolerable burden on urban voters, the League has given wide distribution to an effective flyer.

Publication: "Representation in the General Assembly in Ohio." January 1959.

OKLAHOMA: Action to enforce the constitutional formula for apportionment of the legislature. (CA)

In 1957 at its state convention the League of Women Voters of Oklahoma agreed that "In the event the 26th session of the Oklahoma legislature fails to equitably reapportion the House of Representatives and the state Senate, the League of Women Voters will circulate an initiative petition calling for a constitutional amendment making mandatory state legislative reapportionment in accordance with the provisions of the state constitution." In spite of interest among some League members in changing the constitutional provisions for apportionment it was the final decision of the League to focus on machinery to enforce the existing provisions, provisions which had never been given a chance to prove themselves and which might have a high degree of public acceptance because in fact they were the constitutional ones. Since the legislature failed to move, the League set in motion a campaign to draft a petition and enlist the support of other groups to go out and get the necessary signatures. Meetings of groups and individuals whom the League hoped to interest in this project were held in late 1957 and early 1958. With the approval of the state League Council the state Board proceeded to promote the organization of the Oklahomans for Constitutional Representation.

There were practical and political aspects to be faced in winning such an initiative battle. The League by waiting until after the 1958 general election could minimize the number of needed signatures since the figure was controlled by a percentage of votes cast in the previous election. "Off year" elections characteristically draw a lighter vote than those in presidential years. It was also strategically advisable if possible to have the Initiative voted at a special election rather than a regular election. The requirement of a majority of those voting in the election gives great power to the silent vote -- the voter who leaves the question blank. In a special election since all vote on the question, a simple majority of these prevails. Such a special election could be called by the Governor, and the League and Oklahomans for Constitutional Representation sought support of the Governor for this purpose.

In the summer of 1959 with the League and its friends poised to begin the campaign, a hard lesson in practical politics was faced with determination and patience. The Governor himself proposed to circulate a petition in regard to state apportionment. The League found itself unable to join forces with the Governor whose proposal differed in a number of respects from that of the League. According to this proposal, every county would have at least one representative in the House and the entire Senate would be "turned out" after the federal census. The League could not reconcile its position with these provisions. The League could not work with the Governor's group but neither did it feel it wise to be a party to circulating a second petition to the general confusion of the public. Futhermore, the Governor had the inside track in the matter of calling a special election which the League considered an essential step to eventual success. So the League retired from the arena at this time to await the verdict of the people on the Governor's proposal.

In spite of the increased representation given to urban areas the proposal was turned down by the electorate in the fall of 1960 and the League having lived up to its promise to stand by until the Governor had his opportunity was now free to go to work. The 1961 session of the legislature was a good place to start. At the swearing-in ceremonies in November 1960 each House member was given a red carnation, courtesy of the League, and a card of congratulations worded thus: "Congratulations on your election to this high state office. The League of Women Voters joins you in support of the Oklahoma constitution and legislation in the best interests of the state." On League Legislative Day at this session League

members in attendance wore artificial red carnations as a way of reminding legislators of the League position. Unfortunately these pleasant if not too subtle reminders that the League expected every representative to do his constitutional duty had not the hoped-for results. Suggested constitutional measures, which the League supported failed of passage. Other measures were unconstitutional or proposed to change the constitution so that an unconstitutional apportionment could be legitimatized. Such a constitutional amendment went before the people in September 1961 and met a similar fate to that of the proposal a year earlier. Meanwhile the petition was at last on hand and the enormous campaign was under way to garner signatures.

The earlier citizens group having foundered some time earlier on division of opinion on the pattern of apportionment, a new citizens group, Citizens for Constitutional Reapportionment, was formed which from the very beginning was specifically dedicated to an apportionment on the basis as given in the constitution. Its goal and that of the League was enforcement machinery. The initiative petition proposed that the Secretary of State, State Treasurer, and the Attorney General should reapportion every ten years, after the federal census, with the state Supreme Court as a means of ultimate enforcement in the event these state officers failed to reapportion or apportioned in a manner inconsistent with the constitution.

In 90 days, 220,000 (90,000 more than required) signatures were gathered by a League of about 1,000 members with the help of organizations and individuals working with the Citizens for Constitutional Reapportionment. A tremendous effort culminated with filing of the petition as 1961 drew to a close -- 180,000 signatures were collected in three League communities where there was all-out community effort; 27,000 more were added in other local League communities; the remaining 13,000 came from non-League communities but in some of these the state Board arranged for publicity and even personally solicited signatures. All kinds of methods were used: porch-light parades; booths manned in shopping centers, banks, super-markets, public meetings; every member carried petitions for signatures at civic, school, and church meetings, at football games and other sporting events. Interest was spurred by publicity of state League president soliciting the signature of a former Governor. Papers ran series of questions and answers, and letters to the editor carried the word to the public.

The scene of the campaign shifts soon after this from the signature booth to the courts of law and from January until the November 1962 elections were close at hand the fate of the petition hung in the balance. The opposition to the League position, organized under the title Oklahomans for Local Government, using every available legal avenue open to it, fought through the courts to keep the question of automatic apportionment machinery from coming to a vote of the people. The petition they claimed was the same as the earlier one proposed by the Governor and defeated, and as such required many more signatures; the signatures were questioned; the petition was improperly drawn. One by one the League and Citizens for Constitutional Reapportionment proved the falsity of the claims, but what with appeals and extensions of time for the plaintiffs the May primaries had passed and it was not certain until late September that the question would be on the ballot. Within two days of the court decision the Governor called for a special election to be held on this question on November 6. In this way the Governor fulfilled his commitment given long before and made it possible for a majority voting on the question to carry the vote.

The Oklahomans for Local Government were deeply dissatisfied with the arrangement of having the initiative proposal voted on at a special election on the same day that the citizens were voting at a regular election and promised to challenge the

authenticity of an affirmative vote and particularly to protest the vote if it would not have been a large enough one for the majority required in a regular election, i. e., a majority of those voting in the election.

"Reapportion Your Own State with a Vote for 408" was the slogan of the campaign for a "Yes" vote. The slogan reflected the effects of another court action which had kept the reapportionment issue at a full rolling boil. A suit had been filed as early as 1961 but action in the federal courts began to move after the decision in Baker vs. Carr. The first objective of the suit to halt the primaries because candidates would be running from malapportioned districts failed by a 2 to 1 decision but the courts promised relief and it came in June. Said the court, the "existing apportionment of the offices of both houses of the Oklahoma legislature is grossly and egregiously disproportionate, and without rational basis or justification in law or fact." The court held further hearings to determine on a remedy. At one of these hearings the president of the Oklahoma League appeared and filed a brief as amicus curiae. Since the tenor of the League position was apportionment according to the existing constitutional formulas, in speaking to the court the League stressed the adequacy of the constitution to achieve fair representation if the provisions as given were treated in a liberal manner and with this objective in mind. Since the language of the constitution was in some degree cloudy, such liberal interpretations were possible. The League reminded the court that whatever system for representation was finally agreed to by the court as within the requirements of the 14th Amendment, the League was hoping that the people of Oklahoma would be able, by a vote on the initiative petition, to establish the means by which it would be certain that the agreed-to pattern was in fact carried out.

Though the League had hopes that the courts' decision would be within the scope of the state constitution, the courts were unsatisfied with the limit set on representation in the House. The ceiling on the number allowed a county violated the federal constitution. Having laid down guide lines for both the Senate and the House, the courts allowed the November elections to proceed on the basis of primary results and gave the legislature until March 1963 to reapportion itself in accordance with those standards.

As a result of this decision the League drive which was directed toward automatic machinery gained an excellent sales point. If the legislature failed to reapportion before March, this constitutional amendment would make available a way of reapportionment by the citizens themselves through duly elected officials rather than having the job done for them by the federal courts. "Reapportion your own state with a vote for 408," you can do it yourself, they said, and the people did. Perhaps the prospect for spending every tenth year in a court battle was a factor in the vote, perhaps the people of Oklahoma really preferred to do it themselves, perhaps League work received its just reward. The vote was 335,045 for; 273,287 against.

Immediately following announcement of official election returns, Governor Edmondson proclaimed #408 in effect. On November 10 the commission filed an apportionment with the Secretary of State in keeping with federal court directives of August 3. During the ensuing 30 days, several other apportionments prepared by citizens and organizations were filed. Such opportunities were provided in the amendment.

Oklahomans for Local Government carried out their threat to challenge in the state supreme court the Governor's authority to call a special election on the same day as the general election. (On a special election, the issue carried; as a question on a general election, the issue needed a majority of the 724,974 total votes

cast, or 362,488 votes. The issue failed, by 27,443 votes, of having enough votes to carry in a general election.)

On December 22, the state supreme court in an 8 to 1 decision ruled the election invalid on the basis that the Governor may call for a special election on any day except the date of the general election. An appeal has been filed for a rehearing.

Oklahomans for Local Government have also asked the state supreme court to rule on an interpretation of the state constitution that would permit the state legislature to make 54 districts instead of 44. Such an interpretation would permit apportionment of the state Senate so that 42% of the people would elect a majority of the senators, whereas the interpretation by the Federal District Court of August 3 would permit 49.6% of the people to elect a majority of 44 senators. In January the federal court will hear a petition for an injunction against such a ruling, and the state supreme court will meet to rule on the original request for a ruling on the interpretation.

At this time, it is difficult for the League to make definite plans. Since Governor Edmondson has been appointed to fill the unexpired term of the late Robert S. Kerr in the United States Senate, an intervenor will be required to continue cases in the courts. Governor Edmondson has been the defendant in recent actions brought by Oklahomans for Local Government. Either Citizens for Constitutional Reapportionment or the League might be logical intervenors or some selected citizen.

In the meantime, all effort will be made to prevent an undesirable amendment to the state constitution from passing in the legislature. Since two-thirds majority of each house is required for the legislature to put an amendment on a special election before the March 1963 deadline set by the Federal District Court, efforts will be concentrated in the House to prevent a two-thirds majority vote there. There is no possibility to enlist support in the state Senate in line with League position on reapportionment. Should a special election be called on an undesirable amendment, all League effort will be directed to its defeat.

The red carnation will appear again, for this badge of courage has become a symbol to the Oklahoma League -- a symbol of action. The state League workshop in October 1962 used the carnation as a means of emphasizing the theme of the meeting -- effective action, particularly in the state legislature. On the opening day of the 1963 legislative session, red carnations appeared again on the desks of all the senators and representatives, courtesy of the League of Women Voters of Oklahoma, and on Legislative Day in February, League members in attendance will sport the red flower.

Publications: "Reapportionment." August 1962. An overview of reapportionment problems in Oklahoma, explanation of bills and resolutions passed by the 28th Legislative Session, typical questions and answers. 30¢.

"Supplement to Reapportionment." August 1962. History of the reapportionment issue, explanation of Tennessee decision, explanation of cases pending in Oklahoma, apportionment plans mentioned in Federal District Court decision, sample speeches. 25¢.

"Amicus Curiae brief filed in Western Federal District Court of Oklahoma, July 1962." 15¢.

"Answers to Five Questions." Pamphlet giving answers to questions: Why not Federal Plan? What is effect of Tennessee Case? etc. 5¢.

OREGON: The League supports apportionment of the legislature on the basis of population and accepts the present constitutional provisions for reapportionment of the legislative assembly as a reasonable means for achieving this. (CR).

After study beginning in 1949 the League came to agreement on the desirability of reapportionment on the basis of the formulas laid down in the Oregon constitution. Both houses, said that document, were to be based primarily on population but in the years between 1910 and 1950 no realignment of seats had been made by the apportioning agency, the legislature. The classic picture of heavily overbalanced representation of rural areas prevailed, with disparities as great as 10 to 1. In cooperation with the Young Democrats and the Young Republicans, the League, in 1952, backed an initiative petition which would by amendment reapportion the legislature until 1961 and provide for enforcement thereafter of periodic reapportionment according to constitutional provisions in the event the legislature should fail to act.

The pattern of apportionment which the League and cooperating organizations were working to implement called for a two-house legislature, a Senate never to exceed 30 in number and a House not to exceed double that number. The number was to be fixed by law and "apportioned among the several counties according to the population in each." Population units for Senate and House representation were to be determined by dividing the state's total population by 30 and 60 respectively. The number of seats for each county or district was to be determined by dividing its population by the population unit for each house. Provision was made that when the division process resulted in a fraction more than one-half (major fraction) that county or district should be entitled to a seat for its major fraction. By use of the county as a unit and through provision for representation of major fractions a certain degree of area consideration was provided, making the pattern something of a compromise. The provision for representation for a major fraction taken together with a constitutional limit to the total number of seats posed a problem. If all the major fraction districts were allotted seats first, there were not enough seats left to give more populous counties or districts all the whole-number seats to which they were entitled. These provisions and the application of them eventually were ruled on by the courts, but in 1952 the apportionment under them gave to the people of Oregon a degree of equitable representation rare among the states.

In the event the legislature failed to act the initiative proposed that that duty be performed by the Secretary of State and in the event of malapportionment relief could be sought from the state supreme court.

In 1952, 26,500 valid signatures were required to place a question on the ballot. With the help of cooperating groups 35,000 signatures were obtained and a vigorous campaign was rewarded with 357,500 "Yes" votes to 194,000 "No" votes. Suit was brought to declare the amendment invalid. A member of the League and others appeared as intervenors against the suit which was lost.

The effectiveness of the enforcement provisions of the 1952 amendment were demonstrated when the time came in 1961 for reapportionment. The plan drawn by the state legislature used the major fraction provision in such a way as to favor less populous areas. This act was appealed to the Oregon Supreme Court which found for the plaintiff and instructed the Secretary of State to revise the reapportionment. In this decision the court ruled that since the over-all standard in the state constitution is equality of population and because the ratio was to be determined "arithmetically by the simple process of division" the legislature "does not have

the power to adjust the ratios to the extent of disregarding a whole number." (The effect of the legislature's plan, which the court overthrew, was to deprive three populous counties of one senator each, awarding these three seats to small districts without a whole number but with a major fraction.)

In the field of reapportionment as in many another field even a resounding victory does not stay won without constant vigilance. Vigilance the League is able to supply, and from 1952 to this day the League and other concerned citizens have fought off efforts by other groups to move away from the principle of one-man-one-vote toward the "federal analogy" either by way of legislative act or most recently by way of initiative petition for a constitutional amendment.

The 1962 attempt to change the constitutional provisions was initiated by a group called the Citizens Committee for Representative Government and followed immediately on the heels of the first reapportionment in accord with the constitution. (The interim apportionment in the 1952 amendment was a compromise designed to ease the transition.) Major impetus appeared to come from two quarters, the sparsely populated areas and politically conservative groups and individuals. Proponents, including some who had supported the 1952 amendment, waged a determined campaign to re-amend the constitution and to take what the League regarded as a major backward step from a well-apportioned legislature where disparities between districts were no greater than 2 to 1 to one which would allow variations up to 4 to 1 or worse. The plan embodied in the proposed amendment also fell afoul of another League principle, that of the need for flexibility in the state's basic document - it would have fixed permanent boundaries for House representative districts, making it impossible, short of further constitutional amendment, for the state to adjust its pattern of representation to changing population patterns.

It was a little difficult at first for the League to believe that there was any serious challenge from this proposal which seemed so obviously a step in the wrong direction. Perhaps somewhat misled by the title under which the group was working (after all, who is opposed to "representative government"?) at least enough of the public was willing to take the step to sign the petition and get the question on the ballot, and it became apparent as election time came nearer that the movement carried more punch than had been at first thought likely. The League worked in its usual way and also through the Bipartisan League to Retain Equal Representation, a voluntary association formed for the specific purpose of defeating ballot question #9. Speaking engagements, press releases, formation of local citizens groups, distribution of thousands of flyers, a reapportionment conference in Portland which was attended by representatives from three Pacific Coast states, all of which had apportionment measures on the November ballot, all the means at the disposal of the League were thrown into the fight, and a surprisingly decisive victory was won. The vote was 325,182 against to 197,322 for. In analyzing the outcome the League attributed success to an awakening of public interest in the whole matter of apportionment due to nationwide developments and success in calling to the attention of voters in more populous areas the fact that Oregon's first-rank position of fair representation would be lost if the measure passed. There may also have been some advantage in the fact that a "No" vote favored the League position; this is countered, however, by the fact that the voters went straight down the line with "Yes" votes until they reached #9.

At the same time the reapportionment battle was being fought at the polling places, a less noisy but more important series of steps was being taken by League representatives to do what they could to see to it that the Constitutional Revision Commission at work on a new constitution for the state of Oregon, make, in its proposals, those provisions for the apportionment of the legislature which would be acceptable to the members of the League. The League urged population as a basis of representation and specifically spoke against inflexible provisions in the constitution or a high degree of variance between the population count in the various districts.

The proposals made by a majority of the commission would put the Oregon legislature on a more strict adherence to a population basis, allowing a maximum variation of 2 to 1. It is possible under the present constitution to have as wide a variance as 3 to 1.

The proposed provisions make two major changes: (1) the limitation on the size of the legislature would be removed, although the Senate could not exceed one-half the size of the House; and (2) legislative districts could ignore county boundaries. Districts must consist of contiguous territory and consideration must be given to county boundaries; other political, natural, or other appropriate boundaries; and community of needs and interests by reason of geography, economy, transportation, and communications. Enforcement provisions are substantially the same as in the present constitution.

The Constitutional Revision Commission was appointed by the legislature to recommend a comprehensive one-package overhaul of the constitution for consideration by the legislature. The document it has proposed may be accepted in toto by the legislature and referred to the people; it may be acted on section by section; or it may be disregarded completely. It is too much to hope that the document will not meet serious opposition in the 1963 legislative session. This applies to the sections on apportionment, which the League's state Board has decided to support. As a matter of political reality a number of legislators with seniority and heavy influence favor area apportionment and the proponents of the 1962 reapportionment initiative measure can be counted on to continue their fight. The League can take encouragement from the size of the majority which defeated Measure 9 and will work to bring public pressure to bear on legislative deliberations.

Publications: "Facts on Reapportionment." A digest of the August 1962 publication "Facts on Reapportionment, The Case Against Ballot Measure 9." A New Constitution for Oregon. Published by the Constitutional Revision Commission, December 1962. May be obtained from The Constitutional Revision Commission, Room 300, State Capitol, Salem 10, Oregon (This final report to the legislature contains the proposed constitution, a survey of the revision, majority and minority opinions, and other general information).

PENNSYLVANIA: Will study and work for complete revision of the constitution of the Commonwealth of Pennsylvania. (CA)

On its Current Agenda as part of its effort for constitutional revision the League continues its support of regular apportionment of legislative districts. The Pennsylvania Senate has not been reapportioned since 1921, the House in 1953, and the constitution lacks provision for enforcement of its provisions in regard to apportionment.

League work goes back to 1949 and has been over the years directed toward legislative correctives. After careful and detailed study the League proposed a specific plan for apportioning of congressional, senatorial, and representative seats.

The League plan for congressional apportionment made no dent whatever but as the General Assembly was bound to do this job (since the prospect of electing all Congressmen at large is politically unthinkable) congressional seats were reapportioned in 1950 and again in 1961. The League plan for the Senate ended up in the files from which from time to time it is exhumed, but no serious action has been taken. On the other hand, the 1953 reapportionment of the House came about as the result of the interest aroused by League activity. Though the League bill itself never got out of committee, it was used in framing a compromise measure which

took into account political realities. Without the League there may well have been no bill at all and indeed even the compromise was at first defeated. Under League-inspired pressures the move to reconsider and final passage were accomplished.

A state Commission on Constitutional Revision has made recommendations on the subject of apportionment with which the League agrees in principle. The recommendations provide for the removal of the restriction that no county or city has more than one-sixth of the fifty senators. As a means of enforcing reapportionment on a regular basis after each U. S. decennial census, the commission recommends that the Governor be empowered to call a special session in the event the legislature fails to act. At this special session no other legislation of any kind could be considered nor could the General Assembly adjourn sine die until it had completed the apportionment. No action has been taken on these proposals.

Meanwhile, the League concentrated on a constitutional change to allow the Governor to succeed himself; for in a strong executive the League sees the best hope for the sort of leadership which might bring about a constitutional convention. This proposal was defeated at the polls in 1961 so the focus of the League effort was shifted to promoting a statewide organization of local citizens groups working toward a constitutional revision.

In 1962 both party platforms contained a commitment of sorts for reapportionment of the General Assembly. This is probably due more to recent court action than League pressure but the League will make a vigorous effort to get the legislature to carry out this pledge in the 1963 session because after that the argument will be raised again that it is better to wait until the next census before taking action.

RHODE ISLAND: The state constitution as an instrument of effective state and local government. (CA)

The system of representation in Rhode Island reflects the geographically small size of the state. The House, of not over 100 seats, is based on population, providing one seat to each of the 39 cities and towns, always allowing one to each major fraction. The legislature "may" reapportion after federal or state census. The last reapportionment was made in 1930, on the basis of the 1925 state census, with the result that many old areas are overrepresented and growing areas underrepresented. The problem in the House is failure to reapportion plus the reservation of 39 seats for cities and towns regardless of population.

The Senate provides one seat to each city and town with an additional seat for 25,000 qualified voters or major fraction. At present only Providence, Pawtucket, Warwick, and Cranston have more than one seat. The problem in the Senate is not the failure to reapportion, for two seats were added in 1961, but the system itself.

The League supported reapportionment of the House within the present constitutional framework for many years -- "to the time when the mind of woman runneth not to the contrary" as the state League puts it. Except to revise figures on the newest inequities, League reapportionment work has meant at least a token annual effort to urge legislation. In 1955 the League began a study of the state constitution, and within that study included composition of the legislature, specifically questioning the system of reapportionment in both houses. Under this study the League took the following positions in 1961: the basis of legislative apportionment should be population with some geographical consideration; reapportionment should be mandatory and automatic; and the apportioning agency should be other than the legislative body.

There is at least some informed thinking that unicameralism may not be in the too far-distant future for Rhode Island. Support for a unicameral legislature is coming

from rather diverse persons throughout the state. There has always been League interest in the issue. The League is planning a publication on the possibility of unicameralism in Rhode Island. One member of the Constitution Commission recommended it as a minority report in the commission's report.

The Rhode Island legislature is by far the strongest constitutional branch of government. There is no hope in the opinion of the League for any major change in the apportionment system through the legislative proposal method of constitutional amendment. The hope lies in an open constitutional convention, for which the League is actively working.

Early in 1962 a commission of House members, nearly all from communities which would lose seats, recommended a constitutional amendment which would add up to 25 seats above the 100 but retain one for each city and town. This amendment, opposed publicly by the League, secured first passage in the 1962 session.

The League had a golden opportunity to raise the apportionment question when it testified before the Commission on Revision of the Constitution in the spring of 1962. The League showed figures for population and representation and the great disparities among cities and towns. The problem is not so much rural-urban as dying-mill-town versus growing-healthy-community. The League is very pleased with the commission recommendation for apportionment. The House is to have 100 districts based on equal population related to cities and towns where practicable. There are two possible plans for the Senate - one that each seat be a combination of two house districts and the other that one seat be apportioned to each city or town, plus an additional seat for 25,000 population (not voters). The commission recommended that the legislature be required to reapportion after each federal census, with the Governor taking over on its failure to do so. The League would have preferred an outside agency with sole responsibility for reapportionment. The Constitution Commission reported in September with a draft of a new constitution, and the League is strongly supporting its efforts for an open convention to consider over-all constitutional revision.

Following Baker vs. Carr, Representative Sweeney and others sought relief in the state court for the legislature's failure to reapportion the House within the terms of the present state constitution. The Rhode Island Supreme Court held, in a very forceful opinion, that reapportionment of the House was mandatory. In spite of the word "may" the League had always been of this opinion. The court further said that the constitutional provisions for House apportionment were in force but that under the U. S. 14th Amendment they were unconstitutional insofar as they guaranteed one seat to each city or town yet placed a ceiling of 100 on the number of seats. The General Assembly could, the court said, eliminate the provision giving a seat to each city or town and divide the 100 seats by population alone, relating them to cities and towns if desired or, conversely, it could eliminate the 100-seat provision giving one seat to the smallest (485 population in 1960) town and multiples to each other city or town, resulting in a house of 800 or 900.

At a special session of the General Assembly in August 1962, the Governor was authorized to appoint a seven-member reapportionment commission (no members from the legislature) to recommend reapportionment within the terms of the court opinion. The commission was appointed and the League's constitution chairman became one member. The commission reported as follows: no reapportionment could take place in time for the 1962 elections; three plans were recommended, all based on population; an open constitutional convention was urged.

It is not clear what will happen to the proposals. There is a federal case pending but no one expects anything to happen prior to 1964 if there is any show of progress.

The League is excited about the Constitution Commission's draft and is working in support of an open constitutional convention in 1963. The Constitution Commission, the Reapportionment Commission, and the Governor in his inaugural message have called for such convention.

The League has successfully organized during the past fall Citizens for a Constitutional Convention and has been gratified at the response to invitations to membership and for its board and officers. Putting first things first, a constitutional convention is more important than, and logically precedes, reapportionment in the opinion of the League. Through a constitutional convention the people, with an excellent draft before them, will have a chance to work out an apportionment system of both houses.

The pressing problem is the selection of delegates. The League has strongly opposed delegate seats based on present representative districts. The Constitution Commission has proposed just that, but with an additional 46 at-large by counties based on a population equalization.

The League's work is cut out for it in the 1963 session of the General Assembly!

TENNESSEE: Action for a more equitable reapportionment of the Tennessee Legislature. (CA)

It gives the members of the League all over the country a great sense of satisfactinn to know that the League of Women Voters of Tennessee has been in the forefront of the campaign for reapportionment in their state, including having a hand in the celebrated case of Baker vs. Carr. League work started long before the case and there still remains before the League much to be accomplished. The record suggests that the League will play a part in the victory which may be postponed but which surely will be reached in the future.

Work began in 1957. From the beginning the League has focused its activities toward the education of the public. Materials prepared for League use were condensed and run in some newspapers. Others gave reviews and announced the availability of the original materials from the League. A printed flyer entitled "Once upon a Time" was widely distributed.

The League position was a relatively uncomplicated one. The constitutional provisions for reapportionment of the legislature had been ignored by the legislature since 1901. These provisions called for both houses substantially on the basis of population. These provisions the League believes should be put to use. At the 1959 session of the legislature each member found on his desk on opening day a red sign from the League saying, "STOP-Before you swear to uphold the Tennessee Constitution, see Article II, Sections 3, 4, 5, and 6." This appeal to the oath of office was as ineffectual in Tennessee as it has proven to be from time to time elsewhere. It was during this session that Shelby County and Memphis, both underrepresented urban areas, engaged an attorney to begin suit in the federal courts. As proof of the unwillingness of the state legislature to take the appropriate constitutional steps a bill was introduced which would have apportioned on strict state constitutional lines. Its failure established one more example of legislative negligence.

As plans for the suit got under way the League was asked to recommend names of possible plaintiffs from the large metropolitan counties. From the League list two plaintiffs were chosen, one of them a state League committee member, Mrs. James Todd of Davidson County, hereinafter assured immortality as part of "et al." in Baker et al., Plaintiffs.

While the emergence of the suit gave encouragement to the League, the process was expected to be slow and in the light of earlier unsuccessful suits the outcome was by no means certain. The state Supreme Court had refused to grant relief in a state case in 1956. In 1959 the League began to explore the possibilities for constitutional change, in particular the pros and cons of Initiative, Referendum, and Recall. The general goal was some system of regular enforceable reapportionment. Constitutional change in Tennessee is possible only through conventions. Since representation at such conventions is identical with the existing apportionment, hope for the kind of change for which the League is looking seemed dim indeed. All doors seemed blocked.

On July 21, 1959, lawyers for the plaintiffs in Baker vs. Carr pleaded their case before the judge in the Federal District Court. Their argument centered on the question of the constitutionality of the apportionment made in 1901 and asked for a hearing before a three-judge constitutional court. The judge ruled that his court had the right to hear the case before three federal judges appointed by the chief judge of a U. S. Circuit Court of Appeals. In making this ruling the judge said: "The situation is such that if there is no judicial remedy there would appear to be no practical remedy at all." League members attended this hearing.

On November 23, 1959, League members were also present when the three-judge court heard the case. The state's Solicitor General argued that a federal court had no right to enjoin a state legislature, that it was an invasion of states' rights.

On December 21, 1959, came the judgment "The evil is a serious one which should be corrected without delay, but even so remedy does not lie with the courts." There was plenty of precedent for this ruling. Almost all courts up to that time had declared reapportionment a political matter and refused to enter what Justice Frankfurter had aptly described as "a political thicket."

The lawyers for the plaintiffs decided to appeal the case to the Supreme Court. Their intention was filed on March 28, 1960. Appearing as a "friend of the court" in this case, the National Institute of Municipal Law Officers urged the Court to accept jurisdiction and thus end "gross discrimination against city residents." The National Institute of Municipal Law Officers represents over 1,200 cities throughout the United States. On October 29, 1960, the U. S. Supreme Court placed Baker vs. Carr on the calendar, thereby insuring its consideration by the Court, a first big hurdle overcome.

During the summer of 1960 the League decided to concentrate on the coming elections to bring to public attention how unequal the urban voice in state government was. Reaching candidates, speaking before groups and on television, distributing flyers, and preparing a display for the League booth at the State Fair, all were pre- and post-election activities. When the Governor announced in the fall that he was preparing a legislative program for the coming January session, the League instituted a letter-writing campaign, Operation Governor, to urge him to place reapportionment on his legislative program. As all Governors before him, this Governor too refused to undertake what he felt to be a legislative rather than an executive duty.

Working toward any proposal which would move toward improvement, the League at the 1961 session backed a bill which though not strictly in accord with constitutional provisions did offer substantial improvements for the urban areas. The League was the only citizens group to testify. The Senate at the time was meeting as a "committee of the whole." It was an exciting moment when the League representative rose to speak to the entire Senate. The League felt it a privilege to be allowed to speak its views at such an advantage and the presentation was most able, but it was a foregone conclusion that the proposal would fail and it did. The General Assembly did direct the Legislative Council to study the problem and report in 1963. In

hearings before the Council the League urged constitutional changes to enforce periodic reapportionment.

On April 20 and 21, 1961, the argument for Baker vs. Carr was heard by the U. S. Supreme Court. Present from the Tennessee League was its president and the plaintiff, Mrs. Todd. Among those appearing as a "friend of the court" was the U. S. Solicitor General. To everyone's surprise the Court asked for a complete re-hearing in October.

The Tennessee League did not sit with folded hands awaiting the Court decision though as they admitted in the Tennessee Voter they were a little edgy about it! Said the Voter: "The tremendous and almost overwhelming task of informing the citizenry about the need for reapportionment regardless of the decision is still with us. To meet the challenge, the League is trying two new approaches: namely, reaching the teachers of social studies in the public schools and helping to activate a statewide citizens' committee to head an all-out crusade for reapportionment as soon as the Supreme Court speaks." A fine teachers kit on the subject was prepared and over 500 of them were sold to school systems. In some school systems permission was given for the material to be copied for all the children. The formation of such a statewide committee had been urged by the editor of the Chattanooga Times who was willing to help in developing a steering committee for planning, hopefully to be followed by a larger group open to all citizens.

On March 26, 1962, Mr. Justice Brennan delivered the opinion of the Supreme Court in Baker vs. Carr. Six justices of the Court said that the voters (Baker et al.) had raised a question that the federal courts should hear. Two justices said the courts should not decide such controversies. Specifically the Court said "(a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants (Baker et al.) would be entitled to appropriate relief; and (c) because appellees (Carr et al.) raise the issue before this Court, that the appellants have standing to challenge the Tennessee apportionment statutes. ...The judgment of the District Court is reversed and the cause is remanded for further proceedings consistent with this opinion." In less legal language this means that the federal courts will hear cases in which citizens claim that the apportionment in their legislature is a denial of the equal protection clause of the Fourteenth Amendment to the United States Constitution.

In handing down its decision the Court left a number of unanswered questions. Mr. Justice Brennan said, "Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at the trial." The Court gave no guidance as to the form of judicial relief nor provided standards for judging what constitutes apportionment which is "invidious" or "irrational" and hence unconstitutional. What degree of inequality of voting power must be in evidence to constitute a violation? Will the protection of the voter under the Fourteenth Amendment apply to both branches of the legislature or to only one house? Will it apply in those states where the voters have available the Initiative? Will it apply to state constitutional provisions for apportionment?

The great day of the Court decision was followed by action in Tennessee but at no swifter pace than it occurred in other states. A special session of the legislature was called and attempted to tinker with the apportionment enough perhaps to get by the scrutiny of the courts but not enough to upset the balance of power and certainly not the job envisaged in the state constitution. Federal court on June 22, 1962, found that the new apportionment was still unfair to city dwellers but gave the legislature a chance to correct inequities itself, indeed allowed the 1962 elections to take place on the avowedly malapportioned basis. The court ruled that under the

Fourteenth Amendment "apportionment in at least one house shall be based, fully and in good faith, on numbers of qualified voters without regard to any other factor." The judges said that they had started with the view "that there should be a minimum of judicial intrusion by federal courts into the governmental affairs of the state." Jurisdiction in the case was maintained pending 1963 legislative action.

The old legislature which had carried out the re-shuffling which the court found less than satisfactory had prepared for a vigorous rearguard action by calling for a constitutional convention. By passing this measure before it made its reapportionment the representation at the convention would be that under which Tennessee has labored since 1901. The legislature's purpose was (and is) to change the state constitution to base one house on one representative per county. The Governor supports this change.

Since the ultimate purpose of the special session was clear, the League opposed the calling of the special session and most vigorously it opposed the call for a constitutional convention proposed during the special session. Legislators were appealed to not only for constitutional reasons but on the basis that a fair constitutional apportionment would not give urban areas a majority of either house and for that reason rural interests had nothing to fear.

Since there is a limit to the length of a special session, the League used an hourglass as a symbol that time for reapportionment was running out. The little hourglass turned up on every legislator's desk and was pinned on League dresses and suits. The League launched a full scale drive to keep the issue before the public. Newspapers were largely friendly. But in the end the legislature voted a constitutional convention and sent the question to the people in November and then passed the modest change in the allocation of legislative seats.

Among the reasons for opposing the convention the League gave this important one in the August Tennessee Voter: "The convention if called could not take place until 1965. Since the federal court has found the 1962 reapportionment unsatisfactory and ordered a new one made by June 1963, no convention should take place until a fair apportionment is made because delegates are allotted on the same basis as the lower House. After reapportionment a convention would be in order."

No matter how well-based the League opposition or how vigorous its efforts, the convention call was passed by the people. Disappointing though this was, the League felt it learned a lot about what techniques were really effective and what were not. Postcards, flyers, and simple radio and television presentations proved effective. Working at the polls on election day proved that face-to-face contact with the voters was the most effective method of all.

The November 1962 Tennessee Voter carried this blueprint for continued action by the League: "It is to be hoped that the courts will throw out the referendum (calling the convention) anyhow, because it is based on the 1901 census. If the courts do not act, we will hope to persuade the coming legislature to carry out the mandate of the Supreme Court in apportioning as the constitution directs. If the legislature fails in its obligation as it has for 60 years, we will work to defeat the constitutional changes which will come out of the convention in 1965, presuming that these changes will carry out the intent of this call....to make indelible the malapportionment of our state legislature."

UTAH: Study of Utah's election laws and procedures (including reapportionment). (CA)

Utah's constitution states that the legislature "shall revise and adjust the apportionment" every tenth year after 1905, and also during the legislative session "next following" a federal census. Though there was a legislative redistricting

in 1955, the 1961 session took no step following the 1960 census. For this reason the members of the League in Utah following a study of reapportionment under their program on election laws and procedures felt that the biggest contribution in 1963 would be to urge setting up some automatic machinery to effect periodic reapportionment rather than to try to fix on any one definite formula for adoption this year. League legislative action is already under way to see that reapportionment is carried out promptly and equitably.

Though the situation in Utah appears good by comparison with some states, the League feels there is plenty of room for improvement. The Senate represents areas, therefore a single senator may represent anywhere from four contiguous counties (as Garfield-Piute-Wayne-Kane District with a total population of 9500) to one-sixth of one county (Salt Lake, whose total population is 383,000). Among Utah's senators the principal underrepresentation comes, as might be expected, in the cases of the four most populous counties (Weber, Salt Lake, Utah, and Davis) where each senator represents between 50,000 and 65,000 constituents.

There are 64 members of the lower house. Each of the 29 counties is guaranteed one representative, the other 35 members being apportioned on a population basis, with the usual results - one representative for 1,200 in Daggett County, one for more than 32,000 in Davis.

Since some provision for automatic reapportionment is in the platform of both political parties, an opportunity is given to the League to work through party officials as well as appropriate legislative committees as they are appointed.

VERMONT: A study of the problems of Vermont local government emphasizing possible inter-town, regional, and town-state cooperation. (CA)

Senatorial reapportionment as required by the constitution. (CR)

Removal of the ten-year "time-lock" on amending the constitution. (CR)

By provision of the Vermont constitution, adopted in 1777 and little changed since, the Vermont General Assembly is composed of two houses. The 246 representatives in the House represent governmental units--towns. The Senate, added in 1834, represents both governmental units--counties--and population. It has 30 members--one from each of the 14 counties with the remaining 16 to be apportioned by population "regard being always had . . . to the counties having the largest fraction" after each federal census. This structure of the legislature is often compared to that of the U. S. Congress.

However, the size of the House is cumbersome, and it is one of the least representative evaluated by the standard of one-man-one-vote. Approximately 12% of the population can control the House. Having reached agreement that there should be more emphasis given to the one-man-one-vote principle, the Vermont League in the 1961 legislature initiated and strongly backed a constitutional amendment for the removal of the 10-year limitation on initiation of constitutional amendments. This limitation appeared to have been a major factor in the defeat of the many proposed reapportionment amendments over the years. Once it was lifted reapportionment amendments could be introduced session after session until passed. Despite strong backing from the League and political leaders of both parties this effort failed to obtain the required 20 out of 30 senatorial votes to pass.

The Vermont League continues to consider House representation under its present CA. Following the special legislative session in the summer of 1962, a special legislative commission is studying reapportionment in the General Assembly, including both houses.

Disregarding the constitutional provision to reapportion the Senate after each federal census, the legislature failed to do this following both the 1950 and 1960 censuses.

In preparation for the 1961 session the League held a statewide workshop for state and local chairmen, every legislator was contacted by well-prepared local Leaguers, legislative kits were distributed to these Leaguers, detailed fact sheets on League legislative positions were distributed to all Leaguers, each legislator received a leaflet succinctly summarizing these positions, and a state Legislative Visiting Day was held. During the session League leaders maintained continuous close liaison with the legislators.

The Senate and House could not agree which counties would lose senators, hinging disagreement on the mathematical "method" to be used since different methods resulted in different answers. Many Democrats backed the method which took senators from Republican counties and vice versa. The 1961 session adjourned without reapportioning.

A suit was brought by a representative to prohibit printing ballots for senatorial elections until reapportionment was made. The Chancery Court's decision requiring reapportionment was appealed to the state Supreme Court which ruled that the constitution required representation "which achieves the least disparity in the number of persons represented by each senator."

Following this ruling of July 19, 1962, a special legislative session was called by the Governor. For a time each chamber supported its previously passed "method" but eventually that supported by the House, which achieved the results stipulated by the Supreme Court, passed the legislature to apply until the end of 1963 only. A special Legislative Commission was appointed to consider reapportionment of the General Assembly and directed to report by March 31, 1963.

The League followed the above court and legislative action closely, keeping its members informed of developments and legislators informed of League stands.

An amendment to the constitution cannot be introduced until 1971, but it is understood that the Legislative Commission, with other groups, plans to seek court action as to whether the Vermont constitution is in conflict with the U.S. Constitution. The possibility of a constitutional convention has been mentioned also. Greater equality of representation in the House could be achieved also by legislative statute to combine, dissolve, or otherwise change towns for purposes of political representation.

The League plans to follow closely all developments in representation in the 1963 legislature supporting the state Supreme Court decision on reapportionment of the Senate and considering proposals made regarding the House.

VIRGINIA: Measures to assure a more equitable distribution of voting powers. (CA)

The Virginia League, which has long supported the principle of apportionment on a population basis only, fought valiantly in the early fifties to have the state reapportioned and was on the winning side when redistricting took place, belatedly, in 1955. The League remembers and has had reason to remind the legislature of the expensive special session which was finally needed to accomplish what could have been done at the required time in 1952. During the remainder of the decade the League was successful in fighting attempts to introduce an area factor into the basis of apportionment.

With this "vested interest" in fair representation in the legislature and looking ahead toward the next date on which reapportionment was required, the League supported in the 1960 session the establishment of a commission to study redistricting and report to the Assembly in November 1961 in preparation for the 1962 session. The bill to eatablish such a commission died in committee. Efforts were made to persuade the Governor to appoint one. Support from legislators from fast-growing urban areas was sought. The state League president requested and had an interview with the Governor, bringing him the new figures and urging his attention to the matter. Late in 1960 the Governor appointed a 20-member commission, including 10 legislators and 10 outstanding business and professional leaders. These were chosen from each of the state's ten congressional districts so that the commission should be balanced as to urban-rural interests.

Meanwhile the local Leagues did review work on the subject and reaffirmed their position on standards. These are: (1) each lawmaker should represent as nearly as possible an equal number of people, a variance of 15% above or below the ratio would be the maximum desirable; (2) each district should be compact and contiguous; (3) party considerations should never be the basis of districting; and (4) existing districts should be changed as little as possible in redrawing lines. These views were expressed by the League at a hearing held by the Commission.

It is interesting that the Virginia constitution spells out standards for congressional districts - "districts shall be composed of contiguous and compact territory containing as nearly as practicable an equal number of inhabitants." The language in the constitution on the General Assembly specifies no standards. However, on the whole over the years the standards for congressional districts have been in some measure applied to the General Assembly. Reapportionment may have been slow and the measure of change falling behind the times, but the record of the Virginia legislature is certainly far better than that in many, if not most, states. That it is better than other states is not to the League an excuse for failing to deal justly in allocating representation which is, after all, a matter for the people within the state.

As a means of building public interest in reapportionment and understanding of the need for change, the local Leagues in Virginia distributed thousands of flyers, "The Time has Come....to think about your vote." Speakers were offered to other organizations. Publicity was released and letters written to the editors. Most important, members were urged to take part in the campaign by interesting their friends and neighbors.

The commission's report came late in 1961. On the whole the League thought it did a good job. Certainly it was a big improvement though it failed to deliver justice to rapidly growing Fairfax County (suburban Washington). In making a statement before the House Privileges and Elections Committee in support of the commission's plan the League pleaded for further reductions in the remaining inequities. The League used the usual letter-writing campaign and made an impressive showing by appearing in numbers at hearings.

What finally was enacted into law came as a shock to the people of northern Virginia and a disappointment to the League. Though the outlook was dim the League took the final step open to them of urging that the Governor veto the measure and call a special session. To be sure the League had urged against a special session as a great expense but where the issue was of such importance expense no longer was of great moment. This plea too failed.

Following the decision in Baker vs. Carr, suit was filed in the federal court. Northern Virginia legislators were joined in the suit by others from the Norfolk area. The League applauded the move and urged its members to take advantage of the

opportunity to be present at the public trial. Meanwhile a citizens committee for fair representation was formed. As a means of demonstrating the need for a better plan of districting, the committee, with the cooperation of the League, circulated petitions, using the November election as the appropriate time and place to enlist the interests and obtain the signatures of the voters, particularly in the under-represented urban areas. League members were urged to join and to urge others to join and contribute to the Virginia Committee for Fair Representation.

When the court decision came it found for the plaintiffs. In making its decision the court had things to say which have been noted beyond the state of Virginia. "Plaintiffs here proved the inequity of the allottment of representatives on the basis of population. Thereupon the burden to adduce evidence of the presence of other factors which might explain the disproportion passed to the defendants. But none was forthcoming, if indeed it was available. ... There is little doubt that in Virginia population is the overriding consideration in distribution of representatives. Exactitude in population is not demanded by the Equal Protection clause. But there must be a fair approach to equality unless it be shown that other acceptable factors may make up for the differences in the numbers of people. ... In this consideration there is no difference in status between the Senators and the Delegates in their distribution throughout the state. The Senate and the House have a direct, indeed the same, relation to the people. No analogy of the state Senate with the federal Senate in the present study is sound. The latter is a body representative of the states qua states, but the state Senate is not its regional counterpart. State senatorial districts do not have state autonomy....."

The decision gave the state two months during which it might either redistrict or appeal. It chose to appeal. Chief Justice Warren granted a stay of the Federal Court's order and allowed 110 days for the perfection of the appeal, a period which ends March 30, 1963, just ten days before the deadline for filing candidacies for the next state legislature (i.e., for the primary, which in Virginia is still tantamount to election). The legislature elected in 1963 will hold office from January 1964 to January 1966 (larger House) or January 1968 (Senate).

The weight of legal opinion in Virginia is that a body elected under the 1962 apportionment act, even though the act itself was later declared unconstitutional, would be de facto representatives of the people and its acts would have force.

Unless a special session is called for some reason as yet unforeseen, the League-protested 1962 redistricting will stand, and prospects for more equitable representation hang on political expediency, at least until after the next census. The 1963 League State Convention is expected to make "more equitable distribution of voting power" a CR.

Publications: "Report on Reapportionment." Jan.1, 1963. 6 pages. 15¢.
Flyers: "The Time has Come...to think about your vote." 1¢; "For Fair Representation in Virginia." (Virginia Committee for Fair Representation.) 1¢.
"1962 Fall Program workshop material on redistricting and election laws." (A limited number still available). 5¢.

WASHINGTON: Support of measures to achieve a representative state legislature; machinery to effect periodic compulsory redistricting and reapportionment; specific standards to assure fair representation. (CR)

The Program wording contains the general position of the League in Washington. In addition the League has agreed to a number of specifics. Among them is the provision that if the legislature fails to act an alternative agency should be charged

with the responsibility for periodic reapportionment. Provision should be made for compensating the alternative agency. This function should not be placed in the court but a judge might be a member, and specific provisions should be made for court review. Power should be reserved to the people through initiative and referendum in the event of failure of these agencies to function.

The Washington League started its work on reapportionment and redistricting -- R and R -- in 1954 and since then has been in the forefront of the fight for representation. In 1956 in the first of two famous campaigns making use of the statutory initiative, the League obtained 83,000 signatures and a favorable vote on a petition, Initiative #199, designed to put into effect a plan prepared by the League for legislative redistricting. Reapportionment based on the federal census of 1950 followed the state constitutional provisions for representation on the basis of population. Though the proposed plan did not eradicate all the inequities it went a long way toward remedying them insofar as feasible though the people approved the plan, the legislature, making use of its power to amend, ignored the vote of the people by making drastic changes. A court battle ensued with the decision going to the legislature on the grounds that the League plan, which made use of 1950 census figures, did not use "the most recent figures." The legislature in its "amendment" had made use of the 1956 registered voters figures.

At the same legislative session which "amended" #199, the legislature proposed a constitutional amendment setting some standards for representation, providing machinery for automatic reapportionment through an appointed commission, making reapportionment subject to judicial review with court power to enforce. Though not a perfect measure in the eyes of the League, the Board decided to endorse the amendment. Since there is no provision in Washington law for constitutional amendment through the initiative, the League has had to be content with legislative action to reach the long-term goal of automatic periodic reapportionment. The proposal passed the legislature but was turned down by the people in November 1958.

Even before the close of the federal census year of 1960 the League was alert to the possibilities of action. The figures were slow in coming but as soon as the new figures were available the League set to work to translate them into statistics in regard to each legislative district. So translated, the figures showed a clear need for change in line with population shifts. Meanwhile, information was supplied to the local Leagues on the subject of R and R both in the Washington Voter and in briefing materials for state Convention so that the members could take a good look at the subject and the League position before determining what steps should be taken.

In spite of the evidence and the constitutional requirement that changes be made, the 1961 legislature continued to do much talking but to take no step to reapportion and redistrict. However, a bill was introduced for a constitutional amendment which would supply the long-needed machinery for automatic reapportionment, a bill whose sponsors had conferred with the League while deciding the bill's provisions and one which the League could heartily endorse. A Time for Action on this bill was the major legislative effort of the League at this session (1961) as it represented the best hope for a long-term solution to the continuing problem. State Board members made daily trips to Olympia to see key people. There was much telephoning and telegraphing and the needed two-thirds vote was achieved in the House, but the bill eventually languished and died in the Senate Rules Committee.

The legislature, which took no steps for itself nor allowed the people to vote a new method of achieving the goal, was not forgetful of the distinguished work which the League had done with #199. Its attention and that of others interested in action focused on the League and what it would do in the face of this stalemate. At the state League Convention in May 1961, it was the unanimous decision of the delegates to write another initiative to redistrict and reapportion the state legislature.

As a first step, all 19 local Leagues were asked to call on their county auditors and to get the 1960 precinct maps and figures. All the Leagues did this and experienced fine cooperation from the auditors. With the 1960 census figures supplied by the state League and precinct maps and figures which the Leagues had obtained for themselves, local Leagues set out to draft the new districts for their communities. It was generally agreed that grass roots interest could be developed in this way and that by many sharing in the work of drafting the end product would be better. The Leagues did not set out to do this unprepared. The state Board held two briefing meetings for local Leagues, one in the eastern and one in the western part of the state. The steps for drafting included looking at their own district in relation to the state as a whole and consulting with state legislators, county officials, county chairmen of both political parties, and other community leaders to get their ideas on how to R and R their own area.

A state Drafting Committee had the job of pulling together all the individual recommendations of the local Leagues into one comprehensive plan for the whole state. This was not easy and involved many compromises. The state committee met weekly for two months. Each of the state chairmen of the two political parties appointed two advisors to help the League committee with its work, and legal counsel was consulted at every step. However, all final decisions were made by the League alone.

It was part of the over-all League plan to give its R and R proposal wide publicity not only through the press and with the state legislature but also through a series of public hearings or open meetings held in League communities all over the state. This was a new technique and it proved to be a very exciting one. There were no handbooks on methods so the League sought guidance on how to set up the meetings from those who had had experience with legislative hearings. The state League drew up complete instructions on how to prepare, set up, and conduct these meetings. The material included an appropriate introductory speech which a local League president might use. It was suggested that a moderator (a man) be someone who was highly respected in the community, who could conduct the question and answer part of the meetings. The meetings had a uniform format. There was wide coverage of the meetings by the press, radio, and television. Some were taped. Nine meetings in all were held. Most were well attended and many constructive alternative ways of redistricting and reapportioning were brought out. By means of the meetings the League was able to take a good sample of public opinion and as a result extensive changes were made in the original proposals before they were officially filed.

In evaluating this experience, the state League commented that the meetings were so successful because the local Leagues did such a good job of setting them up. The local R and R committees were on hand to explain the League proposal and to answer questions. The whole plan brought the League member into close involvement with the project, was stimulating in itself, and resulted in that kind of inspiration and enthusiasm which was needed to sustain the enormous signature campaign which was the next step in the League campaign.

Initiative #211 was filed on January 8, 1962. By getting up very early in the morning and being first on hand at the appropriate office in Olympia the League was first to file an initiative and the initiative was first on the ballot, an advantage of importance in view of the dwindling number who vote on ballot issues as they go down the ballot.

211 was going to need even more interested people and even more League work than #199. In the first place many more signatures were required; a minimum of 110,000 was thought to be safe. A great deal of money would be required just for the signature campaign. In line with the grass roots approach used from the very beginning of the work, local Leagues were urged to suggest names of individuals who would become part of a statewide Citizens Committee for Redistricting. It was pointed out

to the local Leagues that the committee should be balanced politically, have names familiar in the various communities, and be composed of those who would help raise money and provide local endorsements and work with the local Leagues. From the suggested list a committee of some 36 men and women was chosen and agreed to help put over #211. Co-chairmenships were established to represent three major areas of the state.

Money was a problem to the League and the citizens committee from beginning to end. A budget of $5,000 was the minimum needed just to get the question on the ballot. For example, 35,000 petitions cost close to $1,000; 200,000 flyers, "Why 211," to be given away in the signature campaign and afterwards cost over $1,400. The small state League office would need to be supplemented by a downtown citizens committee office which had to have a telephone, etc.

Two appeals to members were answered generously. Close to $3,500 was contributed by roughly 30% of the 2,000 members in the state during the period of December 1961 through November 6, 1962. There was a League chairman for fund solicitation for #211 throughout this period.

The four co-chairmen of the citizens committee, as distinguished from the League, solicited funds with some success. Finance calls were made by both League members and the men on the citizens committee. It required great effort on the part of both groups to raise the funds. It is interesting to note that a total of $3,000 was raised by a citizens committee and by the League in 1956 for Initiative #199. Six years later (1962), a different citizens committee and a stronger League succeeded in raising $30,000 for Initiative #211. This is a reflection of the great gains in prestige made by the League in that short period of time.

The petitions were printed and the drive kicked off in mid-February. With the World's Fair due to open in Seattle in the spring it was apparent that the signatures must be in hand before the summer lull and the thousands of expected visitors. From the beginning of the campaign, the local Leagues were guided, cajoled, and inspired by the "211 Express," the title of the regular communication from the state Petition Chairman to the local Leagues. It was full of news, specific suggestions, and good ideas transmitted from one local League to another. It never left a stone unturned and urged others to do likewise. It became alarmed in tone as late spring saw the drive running behind and for a moment it looked as if the campaign could fail. But with perseverance and a successful drive to call in all outstanding petitions, the League bounced over its goal to a total of 146,000 signatures and the troops took a three-week rest. Even that may have been a mistake! Subsequently the 146,000 signatures showed an 8% mortality rate - a very low rate indeed.

In the midst of the signature campaign, the welcome news came of the Supreme Court decision. Neither the League's legal advice nor its own inclinations suggested that the decision removed the need for the League to proceed with its campaign. On July 13 the League intervened in a case brought in the Federal District Court challenging the federal constitutionality of the existing legislative apportionment. The League called attention to its Initiative and suggested that if passed it would accomplish the purpose of the suit. The case was continued until late November.

Final plans for the fall campaign were made and got under way in September. There was still need for money. There was need for an over-all full-time director of the combined drive of the citizens committees and the Leagues, local and state. A director was found. Upon the insistence of the citizens committee, professional public relations experts were hired. Meanwhile opposition spearheaded by the Grange had mounted, with an expensive and extensive campaign making use of radio, billboards, and newspaper ads. In attacking #211, the opposition used not only untruths but also those vague general claims which it is difficult to disprove. Said the ads:

"Don't vote away your right to DIRECT REPRESENTATION." "Since the days of the Boston Tea Party, Americans have fought taxation without representation." Of course what was not being "represented" were counties, not people, and the League and many an editorial pointed this out. Counties never have been represented in Washington. With limited funds the League put its major last minute effort on a door-to-door campaign distributing new #211 folders.

In spite of the efforts of the League, Initiative #211 was defeated at the polls in November: 396,419 votes FOR and 441,085 votes AGAINST - a margin of 44,666.

Factors contributing to its defeat might be summarized as follows: the difficulty in making this a "burning issue"; lack of understanding; tactics of a strong and powerful opposition in confusing the issue with half truths; a generally conservative and negative vote as evidenced on candidates and other ballot issues as well as #211; antagonism toward King County on the part of the rest of the state.

Immediately after the election, the state Board was faced with a momentous decision - should the League of Women Voters of Washington withdraw from the suit of Thigpen vs. Meyers or should it stay in, this time as intervenor on behalf of the plaintiff. The Board decided in favor of the latter.

At the hearing on November 30, the attorneys for the League argued that the 1960 census figures were available to the 1961 legislature but it had failed to act; that the legislature has not voluntarily redistricted itself in more than 60 years and there is nothing to indicate that it will do so now; that the 1960 census figures reveal a shocking disparity in the size of our present legislative districts (20,000 to 145,000); that the defeat of "211" was immaterial, for the defeat of an initiative cannot make constitutional something that is unconstitutional.

In its decision in favor of the plaintiffs, Mr. Thigpen and the League of Women Voters, the court gave the Washington legislature until April 1963 to do its constitutional duty but retained jurisdiction in the case. One of the interesting questions raised by the Supreme Court decision is the place of the provision for the initiative in those states which have it in determining court decisions. In this regard the court said: "We are asked to decline jurisdiction because the voters of Washington at the general election on November 6, 1962, defeated an initiative measure designed to reapportion the Washington Legislature according to population revealed by the Federal census of 1960. Our answer is concise and direct. We have no way of knowing whether the measure was defeated because a majority did not desire reapportionment or whether they didn't approve of the proposed method or whether they didn't understand it (there were numerous other complicated matters on the ballot) or whether the opponents were better organized than the proponents. It make no difference. The inalienable constitutional right of equal protection cannot be made to depend upon the will of the majority." This will no doubt be a widely quoted decision.

Now that the courts have verified the claim made in the fall campaign that if the people did not reapportion equitably for themselves the courts would act, the League will have a role to play in the 1963 legislative session to help achieve fair representation now and perhaps start on its way a proposal for a constitutional amendment to provide for periodic, automatic reapportionment, the League's ultimate objective.

Publications: "Equal and Fair Representation for Washington." 25¢.
"Campaign flyers." Free.
"The Politics of Reapportionment in Washington State" by Gorden E. Baker, published by Holt, Rinehart and Winston, available from the Eagleton Institute of Politics, Woodlawn, Douglass College, New Brunswick, New Jersey. 50¢. (Campaign on #199)

WEST VIRGINIA: A study of the state constitution and support of revisions which provide effective government responsive to the needs of the people of West Virginia. (CA)

In addition to supporting over-all revision of the West Virginia constitution, the League after study of specific articles has been able to support specific changes through the amending process. It was also in a position to oppose a change in the constitutional provisions for the apportionment of the legislature.

The choice offered the League and the citizens of West Virginia on the November ballot was between the existing constitutional provisions for a legislature on the basis of population and a proposal labelled the "Fair Representation Amendment" which would have modified the population basis to allow for some area representation. Since the legislature has failed to carry out the existing provisions, the change from the facts of apportionment existing in West Virginia and the proposed plan was not striking. The choice lay on a matter of principle and a hope that if the amendment were defeated the population basis long required would at some time be carried out.

League members were opposed to legitimatizing the current overrepresentation of sparsely populated areas and went to work with flyers, Speakers Bureau, meetings, and all usual League techniques to defeat the amendment.

The so-called "Fair Representation Amendment" was soundly defeated at the polls along with four other amendments in November 1962. It is questionable whether this can be considered a victory for the League since West Virginia voters traditionally tend to either ratify or reject all the amendments presented at a given election. On December 17 the Kanawha County Court (the three-man executive body of the state's largest county) filed a complaint in the Federal District Court (against the Governor, Secretary of State, legislative leadership, and circuit clerks in two of the small counties) to force reapportionment of House seats and redistricting of the Senate to comply with constitutional provisions requiring representation on a population basis. The defendants are not required to file an answer until after the adjournment of the 1963 session, thus giving the legislature time to act on its own. During the first week of the session bills were introduced in the House and referred to committee which would conform to constitutional requirements. The League has asked in a letter to all legislators that the House be reapportioned constitutionally and will act in support of such legislation. League study and consensus did not include the problem in the state Senate.

Publications: Flyer: " Fair Representation Amendment -- Against Ratification." October 1962. 4 pages. Free.
"Reapportionment Kit. April 1962." Includes notes on general readings; description of Baker vs. Carr; reprint from National Observer "What Reapportionment Ruling Holds for States and Americans"; summary of cases in other states to April 1962 and material dealing solely with West Virginia; suggested outline for speech and visual aids; comparison of present and proposed systems; bibliography. 15 pages. 20¢.

WISCONSIN: Support of reapportionment of the state's legislative districts on a census basis. (CR)

Constitutional revision: (b) possible constitutional provisions for insuring reapportionment following each federal census. (CA)

The Wisconsin League has long been an advocate of reapportionment on a population or census basis in both houses as provided for in the Wisconsin constitution. After a restudy of the problem, the League at Convention in 1952 agreed to maintain this position. In the fall of 1952, the League opposed successfully an advisory referendum which asked, "Shall the constitution be amended to provide for the establishment of either senate or assembly district on an area as well as population basis?" In the spring of 1953 the League opposed a constitutional amendment which would have set up the Senate on an area as well as population basis. The proposed amendment carried but was subsequently invalidated by the Supreme Court. Reapportionment on a population basis went into effect. The League position remains a Continuing Responsibility for proposals continue to be made to redistrict on an area basis.

During the 1959 legislative session the League appeared in support of a bill to create a committee to study reapportionment of legislative districts based on the 1960 census and to report its recommendations to the 1961 session. The bill passed and such a committee was established by the Wisconsin Legislative Council. A former League reapportionment chairman was appointed to this committee as one of the public members. The large maps which she prepared for committee use showing alternatives for redistricting were invaluable and are still in use. The committee's recommendations were delayed awaiting federal census figures on which the redistricting of wards could be made by the local authorities in Milwaukee. Since each of these wards constitutes an assembly district, the ward lines must be established before a plan for reapportionment for the state can be prepared. Meanwhile League members reviewed their homework and prepared to go to work once more for a new apportionment within the population-based constitutional provisions.

The committee's plan, though a substantial improvement over the existing apportionment, could not present a mathematically precise equality because of the constitutional limitations forbidding combining parts of different counties to make assembly districts and forbiddingsplitting assembly districts in the formation of senate districts. In the summer session of 1961 the League worked in support of the committee's proposal. At the legislative hearing 35 League members were in attendance. Not so many were present from the less populated parts of the state as would have been desirable but it was an impressive showing. Many of the members made statements and all felt closer to the legislative process as the result of the experience.

While the League-supported plan went down to defeat so did other measures less welcomed by the League and to which it was opposed. These were a series of joint resolutions for constitutional change designed to fix in the constitution certain area factors such as the requirement that each county have at least one assemblyman.

Since at that session no reapportionment was agreed to, when the legislature met again in the fall (1961) it returned to the unresolved question. For this campaign the state Voter carried maps showing the newest proposal, not unlike the defeated committee proposal though calling for districts somewhat more precisely equal. Local Leagues in the multidistrict counties were urged to map the district lines in their counties and suggest improvements in the districting if there was indication of need. As a result of the mapping of districts done by local Leagues, the state League, testifying at the public hearing, was able to suggest several amendments to correct instances of noncontiguous areas combined in one district. These amendments were later introduced and adopted. One of the senators on the committee hearing the bill remarked, "The League of Women Voters seems to know more about reapportionment than any one!" The largest district for the state in the proposal was something over 48,000, the smallest about 28,000. Twenty-three counties were within 1,000 of the "ideal" size. Though the League-supported plan failed again so did the League-opposed plans. The League felt, however, that it had accomplished something in keeping the issue of apportionment before the public.

Though the possibility of court action suggested a hope that the stalemate might be broken, the League proposed to approach the problem as part of its state Program item on constitutional revision, deciding at its 1962 Council meeting to emphasize during the next year a study of the possibilities for a constitutional change which would insure reapportionment on schedule.

At the special sessions of the legislature called early in the summer of 1962 in order to take some action under pressure from the courts, the League as usual testified in favor of what it considered the best plan and opposed the efforts of the proponents of representation by area to initiate a constitutional amendment. It opposed a bill which denied increased representation to one of the two most underrepresented areas in the state and did not correct overrepresentation in other areas - a bill which subsequently passed the legislature and was vetoed by the Governor.

The Governor's veto and action in August by a three-member panel of federal district judges resulted in a 1963 legislature elected on the apportionment pattern of its predecessors. Efforts to overturn the existing apportionment through court action were without avail though the judicial action on reapportionment in Wisconsin is interesting because it included a "first." For the first time the court appointed a Special Master to determine whether or not "invidious" discrimination existed and, if so, to recommend to the court a plan for reapportionment. The League attended every session of the hearings before the Special Master but, though prepared to do so, did not seek to testify because all the evidence which the League wished to see presented was in the testimony of the witnesses called by the court. Since apportionment of seats for the 1962 elections hinged on the outcome of the hearing, the League did not wish to unnecessarily prolong the hearings so near to the time of elections. In his recommendations to the court the Special Master found that "invidious" discrimination did not in fact exist and the court ruled that the 1962 elections could proceed on the districting in effect for many years.

Though the case was dismissed it was dismissed without prejudice "to the filing of a suit for the same or similar relief with respect to subsequent elections which the plaintiffs or others may commence after August 1, 1963, if by that time the state of Wisconsin has not been redistricted according to the provisions of the Constitution of the State of Wisconsin..."

Using the newly prepared publication supplied by the state Board, the local Leagues went to work in the fall of 1962 to study and if possible to reach enlarged positions on the constitutional aspects of legislative apportionment. By the first of the year the state bulletin, Forward, reported the new consensus. "The recent consensus reveals," said Forward, "that an overwhelming majority of members are of the opinion that the responsibility for apportioning should not be placed solely in the legislature. While there is considerable support for an independent agency to apportion, requiring no action by the legislature, a majority prefers that a supplementary agency be created to take over only if the legislature fails to act.

"League members also recognize that the difficulty in securing fair reapportionment is not due to legislative inaction alone and believe that an essential part of an adequate reapportionment process is provision in the constitution (or statutes) for clear and enforceable standards for apportionment. As means to strengthen the present constitutional provisions for representation on a population basis, the League supports the following standards: (1) districts substantially equal, with a reasonable percentage tolerance for district population differences; (2) crossing of county boundaries in drawing assembly district lines; (3) districts to consist of contiguous territory and to be in as compact form as practicable; and (4) a

stipulated date for the legislature to complete action on reapportionment, set within the session constitutionally designated for such action. Wisconsin League members strongly endorse the use of adequate enforcement measures and means of revising apportionment plans."

Publications: "Problems of Reapportionment." September 1962. 15 pages. 30¢.

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