

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 6**  
**A New Administration Takes Over**

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## Part 6 A New Administration Takes Over

### The New Administration Gets to Work

On November 5, 1968, former Vice President Richard M. Nixon defeated the Democratic candidate, Vice President Humphrey. President-elect Nixon would take office on January 20, 1969.

Maryland Governor Agnew would be the new Vice President. (The Maryland General Assembly selected his successor, Speaker of the House of Delegates Marvin Mandel.) Thus, officials in the District trying to sort out the freeway and subway impasse would have to deal not only with a new President, but with a team from a different political party.

In Maryland, Representative Charles McC. Mathias defeated Senator Brewster for his seat in the Senate. In addition, Lawrence J. Hogan, a Republican former FBI agent, defeated Representative Machen, in an upset victory.

In the Washington suburbs, big majorities approved rapid transit referendums that would allow local governments to issue a total of \$207.5 million in bonds. The funds would be used for the planned 97-mile system. According to the *Star*, the “lop-sided” victories “set a national record for support of rapid transit.” WMATA’s Gleason said the votes meant that “metropolitan cooperation was coming of age.” He added:

This is the first significant metropolitan-wide program that has ever been put to the test and approved by voters in this area. The significant margin can’t help but impress Congress that people here are willing to support rapid transit.” [“Rapid Transit Wins Easily in Suburbs’ Vote,” *The Evening Star*, November 6, 1968]

In the Senate, Senator Bible decided to give up his position as chairman of the District Committee. Senator Tydings took his place.

President-elect Nixon selected Governor Volpe of Massachusetts to be Secretary of Transportation. Governor Volpe’s life was often compared to a Horatio Alger rags-to-riches story. He was born in Wakefield, Massachusetts, in 1908, the son of immigrant parents from Italy. Beginning in 1933 with an initial capital of \$300, he built John A. Volpe Construction Company into a multi-million dollar contractor, with offices in Massachusetts, Washington, and Rome. The company engaged in heavy construction in New England, Florida, and Washington. One of the company’s projects was construction of the privately owned Nassif Building at 400 7<sup>th</sup> Street, SW., in Washington, D.C., that housed the U.S. Department of Transportation from the late 1960’s until June 2007. (The renovated building is now called Constitution Center.)

Although the company was not involved in roadbuilding, Governor Volpe was widely known and respected within the highway community. From 1953 to 1956, he had served as Commissioner of Public Works in Massachusetts where he focused on freeway construction. In 1956, Volpe resigned to return to private life but delayed doing so when President Eisenhower asked him to

serve as interim Federal Highway Administrator, a new title for the head of BPR in the Interstate era, while the permanent choice, Bertram D. Tallamy, disengaged from his lead role on the New York State Thruway and secured Senate confirmation. The President did not want any delay in getting his pet program, the Interstate System, underway.

On October 22, 1956, Volpe became the first Federal Highway Administrator and served until Tallamy took office on February 5, 1957. Volpe returned to his construction company and served as president of The Associated General Contractors of America (AGC) in 1960.

That same year, he won election as Governor of Massachusetts, beginning his 2-year term on January 5, 1961. He lost his 1962 reelection bid, but returned to the State House after winning in 1964. In 1966, he won election to the State's first 4-year term as Governor.

As Commissioner of Public Roads and Governor, Volpe was known as a roadbuilder, a reputation that gave highway supporters hope that the Department of Transportation would be in more favorable hands than under Secretary Boyd.

Governor Volpe had fought hard to advance Interstate freeway construction in the Boston area despite strong opposition. Ben Kelley, FHWA's first public affairs director, explained in his 1971 anti-highway book, that, "as governor of Massachusetts, he had established a record of rabid pro-freeway positions and actions, including repeated tongue-lashings" of President Johnson and Secretary Boyd when they took or proposed actions that he saw as anti-highway. Governor Volpe's opposition to Administrator Bridwell's proposed rule on public hearings and citizen appeals was an example. [Kelley, Ben, *The Pavers and the Paved: The Real Cost of America's Highway Program*, Donald W. Brown, Inc, 1971, page 80]

During an address in Boston shortly after the election, Governor Volpe deplored the delay on the city's Inner Belt, designated I-695. He added, "There's a new administration taking office in Washington, and I think we will start to see things happen." During the election, Volpe had strongly supported the Nixon campaign, partly in hope of becoming Secretary of Transportation in the new administration. A book about the Boston freeway controversies explained:

Volpe reportedly was angered over the further delays in the Inner Belt, delays made possible by DOT in a Democratic Administration . . . .

Volpe's arrival in Washington would please state highway officials, who were irritated not only by the delays in local projects but also by new federal proposals calling for greater public participation in decisions over routes and designs. [Lupo, Alan; Colcord, Frank; and Fowler, Edmund P., *Rites of Way: The Politics of Transportation in Boston and the U.S. City*, Little, Brown and Company, 1971, pages 40 (State highway officials pleased) and 50 (Volpe address)]

During the Senate confirmation hearing before the Committee on Commerce on January 15, 1969, several Senators asked about the nominee's views on highways and his actions as Governor. Senator Philip A. Hart (D-Mi.) told Governor Volpe that "in the eyes of minority groups," the Federal highway program "is an enemy, because they do not generally run the

highway through my house or yours; it is the fellow whose property is cheaper, quicker to get, but who when he is moved has less opportunity to relocate successfully than you and I have.”  
The Senator asked:

Would you agree that based on the bitter experience of recent years, which has highlighted the social damage and its great cost falling from this business of which is the cheapest way of building these things, that your administration should attempt to balance and include all the factors affecting the area of any proposed construction than merely the traditional bookkeeping judgment alone is not in the best long term interest of any of us?

The Governor described his experience as commissioner allowing design of highways only after reaching out to local officials. As a result, he secured approval of the alignment from almost all communities involved:

I think we have to remember that the environmental and social factors involved in the bidding [sic] on highways and the engineering for them certainly must be given a very prominent part in the final decision. Cost is important . . . . On the other hand, I think we also have to remember, and I have said this many times, that whether it is a \$50,000 home or an \$80,000 home or a rented apartment, that little apartment or home is just as much a castle to the individual who has lived there for 35 years as the larger home. So, I can certainly assure you, Senator, that I will do everything within my power to be certain that we do take all aspects into consideration – esthetic, environmental, and human factors as well.

He also replied in writing to questions posed by the city of Cambridge that Senator John O. Pastore (D-RI) read into the record. The city worried that as Secretary, Governor Volpe would force construction of the I-695 Inner Belt while Governor Francis W. Sargent, the former Lieutenant Governor who had succeeded Volpe, studied the issues involved in Boston freeway construction. Governor Sargent had shocked his predecessor by putting the Boston freeway network on hold pending results of the study. Now, in response to the city’s questions, Governor Volpe said he would honor Governor Sargent’s request that no action be taken to advance I-695 “because of the delicacy of the relationships between the state and the affected communities in this matter.”

He concluded his responses to the city’s questions by writing:

My own experience has convinced me that each of the methods of transportation has a proper role to play in meeting the requirements for transportation in a metropolitan area. By “balanced” I mean that the transportation planning should seek to utilize the particular capabilities of each mode. “Balanced” means the modes work together as a system in proper relationship to the area it serves. Mass Transit has a vital role to play in such systems. I expect to see greater use of both bus and rail transit systems within our cities, possibly in relation to fringe parking facilities. One of the important policy questions to be examined is the direction for the Federal role in this field and its methods of financing.

(For more information on Governor Sargent's role in the Boston freeway revolt and its impact on the future of the Interstate System, see "Unravelling the Highway Trust Fund 1968-1978" on this Web site.)

Senator Spong raised the "deep-seated controversies which have developed in several of the country's metropolitan centers, including Washington, over highway construction." He added, "In Washington there is a virtual impasse between those who favor construction of additional freeways and those who feel the emphasis should be on rapid transit." He asked about the Department of Transportation's role in urban areas. This was the only reference to the Washington freeway impasse during the hearing.

Volpe explained his support for balanced transportation, saying, "we will need both good highways and good rapid transit systems together with high-speed ground rail transportation between some of the cities in our Nation in order to do the job, because I am convinced that the highways alone will just not do the job." [Nominations-1969, Hearing Before the Committee on Commerce, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, on Nominations of Hon. Maurice H. Stans . . . and Hon. John A. Volpe . . ., January 15, 1969, Serial 91-2, pages 33, 37, 44-45]

In moving to Washington, Secretary and Mrs. Volpe considered a three-bedroom apartment in Rosslyn, Virginia, and had even consulted an interior decorator. As the *Post* explained, "After crossing the traffic choked Virginia bridges several days at rush hour, however, Volpe changed his mind. He and his wife decided to settle closer to the office, in the unofficial Nixon enclave of Watergate east." His new three-bedroom apartment in Watergate East was a short drive from his office in the southwest quadrant of the city. Like all Cabinet Secretaries in that era, he had a limousine and driver for his commute. [Oberdorfer, Don, and Eisen, Jack, "D.C. Gets Volpe Pledge on Chronic Road Ills," *The Washington Post and Times Herald*, March 9, 1969]

Secretary Volpe selected a career FHWA employee that he knew well from his days as Commissioner of Public Works and Federal Highway Administrator. Francis C. "Frank" Turner, a native of Dallas, had joined BPR as a Junior Highway Engineer in 1929 immediately after graduating from Texas Agricultural and Mechanical College (now Texas A&M). From 1933 to 1940, he was an area engineer in BPR's office in Little Rock, Arkansas; following a period in the Division of Construction in headquarters, he was assigned in 1943 to expedite completion of the Alaska Highway, the land link through Canada between the States and its northern territory, and to work with Canadian officials to ensure its proper maintenance when the war ended. After the war, he was placed in charge of restoring the war-damaged roads and bridges of the Philippines.

He returned to Washington in 1950 as an assistant to Commissioner of Public Roads MacDonald, who left office in March 1953, and his successor, Francis V. du Pont (1953-1955). In the mid-1950s, he worked with Eisenhower Administration officials and Congress as they developed the Federal-Aid Highway Act of 1956 to launch construction of the Interstate System. From 1957 to 1969, he served BPR and the FHWA as Deputy Commissioner, Chief Engineer, and then Director of BPR within FHWA. In these positions, he played a major role in getting Interstate projects underway, resolving project disputes, and addressing the growing criticism of the program. Turner was thoroughly familiar with the District's issues and had represented FHWA

on many occasions while the freeway network was under discussion. [*America's Highway 1776-1976*, pages 185-187]

During Turner's confirmation hearing before the Senate Committee on Public Works, Senator Joseph M. Montoya (D-NM) asked what BPR was doing to improve traffic flow in the Washington area. Turner replied:

We are actively engaged in an effort to resolve the stalemate that has occurred. We are attempting to meet the requirements of the statute that this committee and Congress enacted last year, which instructs the Secretary of Transportation and the District Government that four sections of the system shall be built.

We have studies, we have efforts underway to try to break this impasse, and I hope, I am optimistic, that within a few weeks we will be able to have a solution to that problem and get on with the job in certain parts of the system.

Senator Spong asked about the two-hearing regulation. Turner said he had joined Administrator Bridwell in signing the PPM implementing the requirement. "I would not have signed it had I not felt that it was workable and satisfactory." Only 6 weeks had passed since then, not enough time to judge whether it was a good idea. He added that AASHO had appointed a special task force to examine the working of the plan.

Senator Spong asked about the design concept teams in Baltimore, Chicago, and Cambridge, Massachusetts. Turner was familiar with these plans, although he said a contract had not yet been signed for the Cambridge team. The teams were, however, very expensive. "They are in the order of 15 to 20 times the estimated cost of the normal design team." Moreover, they do not complete final design. "We still have that to do after we get the results of these design concept team studies." He had "rather serious reservations as to whether or not the results being produced are of the order of costs involved." He thought "the regular total transportation planning process" could get the same result in a much less costly way. [Nomination of Francis C. Turner to be Federal Highway Administrator, Hearing Before the Committee on Public Works, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Serial No. 91-3, March 11, 1969, pages 17-18, 2021]

Following Senate confirmation, Secretary Volpe administered the oath of office for Administrator Turner on March 19, 1969. Chairmen Randolph, Fallon, and Kluczynski attended the ceremony.

Turner lived with his wife at 2529 North Military Road in Arlington, Virginia. He usually commuted by bus.

On December 26, Vice President-elect Agnew had announced that Jerome B. Wolff, a Democrat, would serve as assistant to the Vice President. Governor Agnew announced that, "Mr. Wolff and I have agreed that he will make his services available to the new Governor for such time as may be required to effect an orderly transfer in the best interests of the State." [Associated Press,

“Md. Official Named Aide To Agnew,” *The Washington Post and Times Herald*, December 26, 1968]

### **Transition in the District**

At the start of a press conference on December 11, President-elect Nixon announced his decision on the status of Mayor Washington:

There has been some speculation in the press to the effect that because he is a Democrat and his term expires in February that he would not be reappointed to that position.

However, in checking with both Democrats and Republicans in the District of Columbia, I find that he gets very high marks and consequently today I have asked him to serve for another term. He has agreed to do so.

Some opposition had emerged to the appointment. Representative Broyhill had traveled to President-Elect Nixon’s office in New York City to express opposition to the appointment directly. The Congressman was not critical of Mayor Washington on a personal level, but said he “was the administrative head of the District government and that during the year-plus he has been there, there was further deterioration and you don’t correct or improve it with that kind of leadership.”

After the announcement, Representative Broyhill told reporters:

Of course, I’m disappointed. But I did have an understanding with Nixon headquarters that it would not [represent] a continuation of the status quo – which I violently oppose and fear.

I was assured that there would be high-level conferences with area representatives involved to study new approaches and new programs to the problems of the District government.”

The promise of high-level conferences gave him a “ray of optimism” for the city’s future.

Gilbert Hahn, Jr., chairman of the District Republican Central Committee, had urged the President to appoint a Republican to the post. Following the announcement, he told reporters, “I said last week that the decision was Mr. Nixon’s and that if he reappointed Walter Washington, he would have 100 percent of my support. I meant it then and I still mean it.”

All members of the city council “expressed unanimous delight” at the reappointment, according to the *Star*. Chairman Hechinger praised Mayor Washington’s “calm, cool competence.” Hechinger intended to retire at the end of his term in February to allow President Nixon to appoint a Republican to head the city council.

Mayor Washington told reporters he appreciated the “great evidence of voluntary support” from area groups. He added, “I think we’re serving people.” [“Nixon Retains D.C. Mayor” and

“Decision on Mayor Hailed By All Of D.C. Councilmen,” *The Evening Star*, December 12, 1968]

Columnists Drew Pearson and Jack Anderson had a different view of the reappointment. By the time President-elect Nixon called Mayor Washington to offer him the job, “Nixon was desperate to find a Negro to become part of his Administration.” Hahn, in his “bitter opposition” to reappointment of Mayor Washington, had “even called meetings of Republican businessmen and made impassioned speeches to them about crime in the streets in an attempt to enlist their help to pressure Nixon not to reappoint Washington.” The columnists added:

Note – Nixon should be warned that Hahn will now seek to sabotage the Mayor by bypassing the White House and applying his pressure upon the District of Columbia committees on Capitol Hill. [Pearson, Drew, and Anderson, Jack, “Byplay in Choice of Labor Secretary,” *The Washington Merry-Go-Round*, *The Washington Post and Times Herald*, December 19, 1968]

By January 1969, Hahn had emerged, along with Councilman Nevius, as candidates for chairman of the city council after Chairman Hechinger’s term ended. Hahn, who had discussed District issues with Nixon aides, enlisted help from area Republicans to secure the nomination. Nevius, whose term on the city council was expiring, was not actively campaigning for the top spot.

On February 13, President Nixon attended as Mayor Washington took the oath of office in the East Room of the White House. Supreme Court Justice Thurgood Marshall administered the oath of office while Mayor Washington’s wife Benetta held the Bible.

President Nixon said, “Without a strong local government with real home rule and without the support of the citizens, the people of Washington, the Federal activities will come to naught. He pledged that the Federal Government “will do everything that is appropriate, everything that is possible” to help cities across the Nation address their problems, but added that the responsibility for the Nation’s capital was unique. His objective was for the city to become “the model city for America . . . and the world.” Referring to the mayor as “the top citizen in this city,” President Nixon said, “I am a resident of your city.”

Mayor Washington promised to “look to the future.” He said, “There is no problem . . . that confronts a city that we cannot meet if we meet it together.”

President Nixon used the occasion to announce his long-delayed picks for the city council. He selected Hahn to be chairman and Sterling Tucker to be vice chairman. The Reverend Jerry A. Moore, Jr., would replace Councilman Nevius. [Asher, Robert L., “Nixon Names Hahn, Pushes Home Rule,” *The Washington Post and Times Herald*, February 14, 1969; Dobbin, Muriel, “Nixon Swears In District’s Mayor,” *The Baltimore Sun*, February 14, 1969]

A Washington native, Hahn was an attorney who had graduated from Princeton University in 1944 and Yale Law School in 1948. His father headed the Baltimore and Washington area’s largest shoe store chain, Hahn’s Shoes. He promised to restrict his involvement in the law firm of Amram, Hahn, and Sundlun to avoid conflicts of interest by not representing clients in



disputes with the city or Federal Government. He considered crime to be “the No. 1 problem” in the city and wanted to double the police force and triple the number of judges. In testimony before the city council representing the District’s Republican Central Committee, he had urged adoption of gun control legislation. Hahn, his wife Margot, both white, and their three children lived at 3022 University Terrace, NW., in the District’s Palisades neighborhood south of American University.

Sterling Tucker, an African American born in Akron, Ohio, where he had received a master’s degree in social psychology from the University of Akron. He had been director of the Washington Urban League for 11 years. Tucker, a registered Democrat, had taken a leave of absence from that post to head the National Urban League’s field service division. After working for the league in Akron, he moved to the league’s Washington chapter. He met his wife Alloyce at the University of Akron. They and their two daughters lived in a two-story brick house at 6506 16<sup>th</sup> Street, NW.

The Reverend Moore, a registered Republican, had been pastor for 23 years at the 19<sup>th</sup> Street Baptist Church at 19<sup>th</sup> and I Streets, NW., described in the *Post* as “the oldest Negro Baptist church in the city.” Born in Minden, Louisiana, he had graduated from Morehouse College in Atlanta before receiving a bachelor of divinity degree in 1943 from Howard University in the District. He was a founder and current director of Uplift House, a project to lower the juvenile delinquency rate in the northwest quadrant. He was Howard University’s Baptist chaplain, and served on other civic groups. He, his wife Ettyce, and their two sons lived in the Michigan Park neighborhood at 1612 Buchanan Street, NW.

[“Profiles of New Appointees,” *The Washington Post and Times Herald*, February 14, 1969; “Hahn Says He’ll Restrict Law Practice,” *The Washington Post and Times Herald*; Radcliffe, Donnie, “A New Goal ‘With Crunch,’” House, Toni, “Husband’s Sounding Board,” Billington, Joy, “In Sudden Limelight,” all in *The Evening Star*, February 14, 1969]

On March 13, Supreme Court Justice Potter Stewart administered the oaths of office to the three new members of the city council. The brief ceremony took place in the Fish Room of the White House. President Nixon did not attend the ceremony, during which the wives of Chairman Hahn, Vice Chairman Tucker, and Councilman Moore held the Bibles for their husbands.

Chairman Hahn said his goals were jobs, housing, and schools. He also thought that the city council was too amorphous and could use a shakedown. He planned to work in a bipartisan manner. “There is no Democratic or Republican way to deal with problems such as housing, health, and schools. There is no liberal or conservative way to collect garbage.” [Basham, William, “3 Take D.C. Council Seats, *The Evening Star*, March 13, 1969]

With these changes, the city council would have 5 Democrats and 4 Republicans, a slight change from the previous 5-to-4 ratio. African American membership increased from 5 members to 6 with the addition of Councilmen Tucker and Moore.

(The Fish Room was so-named after President Franklin Roosevelt installed an aquarium and mounted displays on the walls of fish he had caught. President Nixon renamed it the Roosevelt Room in 1969.)

### **Waiting for Secretary Volpe**

As the year began, WMATA Chairman Gleason was succeeded by Frederick A. Babson, chairman of the Fairfax County Board of Supervisors. Gleason urged creation of a national mass transit trust fund, an idea that was gaining support among freeway critics who saw the option as the best way to compete for Federal dollars with the Highway Trust Fund. The proposed fund, Gleason thought, might help avoid the delays WMATA was experiencing with securing appropriation of District matching funds.

The area, he said, badly needed a “balanced system of transportation – a system which gives a choice.” He noted that voters in Atlanta, Los Angeles, and Seattle had defeated rapid transit plans because of financing plans, a problem that a mass transit trust fund could address. The Washington area was the only one in the country ready to go to construction on a rail rapid transit system, if Congress would release the matching funds. He said:

If members of congress who represent the metropolitan areas of the Nation . . . are convinced a vote for the mass transit system here in the Nation’s Capital will facilitate the appropriation of funds for mass transit in their own communities, then this region’s transit system will no longer have to be concerned over local disputes concerning highways. [“Congress Urged to Help Finance Subway Here,” *The Washington Post and Times Herald*, January 4, 1969]

Members of Congress, according to Representative Davis of the District appropriations subcommittee, were becoming “more reluctant” to approve subway funding in view of the inaction on freeways. Legislators did not consider NCPC’s Major Thoroughfare Plan adopted for the Year 1985 Comprehensive Plan to be consistent with the mandate in Section 23 of the Federal-Aid Highway Act of 1968. As a result, the committee was “getting more and more hard-nosed,” or to put it differently, “The more footdragging [sic] we see, the more reluctant we get.” He added, “I don’t think they are going to get their subway money.”

Lee Flor confirmed that members of the House Committee on Public Works felt the same way.

Chairman Kluczynski said, “I just don’t understand the city council,” adding, “They’re not going to have any mass transit or subway, that I can assure them.” Representative Cramer said the 1968 Act had carefully spelled out what Congress wanted the District to do. The votes by NCPC and the city council on the Major Thoroughfare Plan did “great violence to the legislative mandate.”

With the end of the Interstate program expected to occur in the mid-1970s, Chairman Kluczynski pointed out that the District was in danger of losing as much as \$200 million in Federal-aid highway funds. “There are other States looking for money,” he said. “We in Chicago are starving for more roads and mass transit.” [Flor, Lee, “Freeway Dispute May Stall D.C. Subway

Funds Again,” *The Sunday Star*, January 5, 1969; Flor, Lee, “Delays Peril Freeway Funds, D.C. is Warned,” *The Evening Star*, January 7, 1969]

Business leaders, who had formed the Citizens Committee for Better Transportation, were pleased that with their support, the Maryland and Virginia suburban communities had approved bond referenda for bonds to build rail rapid transit. As Lee Flor pointed out:

Had the bond referendums failed, it probably would have been impossible to convince a sceptical [sic] Congress that the suburbs would pay for their share of the \$2.6 billion regional transit system. With the overwhelming victory, this hurdle was passed.

Next the business leaders were going to try “to convince Congress to vote the first construction money to get the subway started.” They expected the incoming Administration to submit a special request for the funding in February. How they would convince Chairman Natcher to cooperate was unknown. [Flor, Lee, “Transit Vote Tribute to Leadership,” *The Sunday Star*, January 12, 1969]

By the end of January, Representative Sisk had introduced legislation authorizing the Federal Government to underwrite \$1.1 billion in transit bonds for Metro. Senator Tydings indicated he would introduce the bill in the Senate. The Johnson Administration had initiated the bills, but the Nixon Administration had not approved them. Under the bills, WMATA would issue the bonds, which the Federal Government would retire with annual grants from the general Treasury. Area governments would provide the balance of construction funds, mainly through local and WMATA bonds that were to be retired with revenue from fare collections.

The bills were vital to the future of the rail rapid transit system, but their future appeared uncertain in view of the blockage of the freeways that the Federal-Aid Highway Act of 1968 had directed the District to build. Of course, central to any legislation was Chairman Natcher’s refusal to appropriate the needed District matching funds. He showed no signs of relenting. Moreover, congressional willingness to authorize such a large sum was uncertain. In a News Analysis, Jack Eisen explained:

In the past, the House has not been overly fond of investing heavily in projects to serve the populace of Washington and its suburbs . . . . City officials, while trying to sell their proposal this year, will try to convince the lawmakers that the curtailed road program is substantial and adequate enough to serve Washington’s needs.

They would have to overcome congressional leaders who saw the Major Thoroughfare Plan “as clear defiance of a law . . . . They also are enraged at city officials for hailing the Washington curtailment as a precedent for other cities.”

Eisen quoted Representative Cramer. “It appears the rapid transit system is in deep trouble because of an unwillingness to deal realistically with the freeway problem.” [Eisen, Jack, “Hill Fight Set on Metro,” News Analysis, *The Washington Post and Times Herald*, January 25, 1969]

WMATA was able to do some work leading to construction. With the District appropriations subcommittee’s approval, WMATA spent District funds for preliminary work, including real

estate acquisition. For \$1.5 million, WMATA acquired the block between 5<sup>th</sup> and 6<sup>th</sup>, G and F Streets, NW. With the subway below, WMATA planned to build its headquarters building above ground (at 600 5<sup>th</sup> Street, NW., near the Gallery Place station east of Verizon Center). By January 1969, crews were demolishing 25 properties on the block to make way for subway construction. WMATA was working with the Jewish Historical Society of Greater Washington on the future of one property on the block, the Adas Israel Synagogue, the first synagogue in the city. (It would be moved three blocks to 3<sup>rd</sup> and G Streets, NW.) [Flor, Lee, "Block in NW Being Razed For Subway Construction," *The Sunday Star*, January 12, 1969]

District leaders tried on January 13 to secure suburban support for the Major Thoroughfare Plan.

Chairman Hechinger and NCPC member Gibson appeared before the TPB where Hechinger contended that the plan met the requirements of Section 23 of the 1968 Act. As Lee Flor reported:

[Hechinger] said every project specified by the congressional act was in the freeway plan, in one form or another, except for the Three Sisters Island bridge.

The bridge would ruin the rest of the carefully designed plan if it were built, Hechinger told representatives of suburban Maryland and Northern Virginia governments.

Gibson argued that suburban residents, as well as District residents, opposed the bridge and the North-Central Freeway. He said the technical assumptions of the freeway engineers had to be challenged by experts in humanity. Automobiles, he said, must be accommodated to the city, not the city to the automobiles. Rail rapid transit would provide for future growth of travelers.

Hechinger and Gibson were greeted with criticism, particularly from Commissioner Douglas Fugate of the Virginia Highway Commission, and Montgomery County Councilman Keeney, as Jack Eisen reported:

Fugate said the failure to provide needed bridges, including Three Sisters, will assure chaotic traffic conditions after Interstate Rte. 66 and a widened Shirley Highway reach the Potomac Shore.

Keeney said the new road plan condemns most Montgomery County motorists to fighting congestion on city streets already filled to capacity. He said the North Central route is clearly needed.

After the meeting, Hechinger told reporters he planned to go to Congress and explain his position to Chairman Natcher. "We're soliciting support from the counties" where voters strongly supported bond issues for rail rapid transit. [Flor, Lee, "Freeway Plan Is Termed In Line With Congress," *The Evening Star*, January 14, 1969; Eisen, Jack, "D.C. Seeks Suburb Aid On Freeways," *The Washington Post and Times Herald*, January 14, 1969]

Chairman-Director Wolff of the Maryland State Roads Commission made his views clear as he prepared to leave office to serve under Vice President Agnew. Appearing before the Maryland House of Delegates' Ways and Means Committee, he criticized the District for deleting the

proposed tie-in of I-95 with the North-Central Expressway. “We had a commitment with the council and they broke it.” Their action was “a unilateral, illegal act” that “placed a cloud over the interstate system in Maryland.”

He was particularly critical of what he called the “liberal thinking” of Secretary Boyd and Administrator Bridwell. “The Federal Government has contributed in large measure to our difficulty” in providing the I-95 link.

At least, Wolff conceded, Bridwell had approved Interstate designation for the Baltimore-Washington Parkway. As a result, the blockage of I-95 might prove to be “a blessing in disguise for Maryland.”

Wolff promised that “all these things will be unraveled by the new Administration” as soon as Governor Mandel found a new chairman-director. In response to a question, Wolff said “I will do my best” in unraveling the problems. However, after the hearing, Wolff retreated slightly. He told reporters, “Not being in the Administration, I’m not going to make a guess about it.” [Jay, Peter A. “Wolff Hits ‘Liberal thinking’ For Blocking I-95 From D.C.,” *The Washington Post and Times Herald*, January 30, 1969; “Maryland Road Chief to Try To ‘Unfreeze’ U.S. Aid Funds,” *The Evening Star*, January 30, 1969]

On January 30, Representative Gude wrote to Chairman Kluczynski to request a hearing into the Major Thoroughfare Plan and former Administrator Bridwell’s January 17 actions. “It is my understanding that none of the elements of the plan or policy were presented to the technical agencies of Maryland, as well as Virginia and the District of Columbia itself, for any kind of review or comment before the plan was adopted.”

Eisen, in a News Analysis, described the letter, saying it did not contain prohighway arguments. “From its bland prose, it is impossible to isolate a single phrase of “head-line grabbing rhetoric.” However, the Congressman posed five questions. Did the city council act within its rights in approving the curtailed plan? What about finances? Will the Palisades Parkway from Cabin John into a tunnel under the Georgetown Waterfront qualify for 90-percent Interstate construction funds or will it “draw its funding from a more limited Interior Department park-roads source?” Finally, as Eisen summarized, “what about traffic service.”

The letter to Chairman Kluczynski stated:

Delays in the construction of any part of the overall transportation system in our metropolitan area inflates the social, engineering and economic cost of such a system. There are questions of the legal authority under which the highway changes been made . . . . [Eisen, Jack, “Hearing Asked By Gude on D.C. Highway Plans,” *The Washington Post and Times Herald*, January 31, 1969; Eisen, Jack, “Gude Seeks Answers in Freeway Hassle,” News Analysis, *The Washington Post and Times Herald*, February 1, 1969; Rowland, Rames B., “Hoyer Seeking Solution To Issue of Rt. 95 Link,” *The Evening Star*, February 3, 1969]

*Star* editors said of Wolff's statements and Representative Gude's letter, "They both are right – in terms of both timing and responsibilities." If the city and NCPC had followed the instructions in the Federal-Aid Highway Act of 1968, "a reasonable end to this long dispute would have been in sight by now." Instead, the city and NCPC, with encouragement from the Johnson Administration, had "hurriedly refashioned a quite different freeway system of their own, the adequacy of which Representative Gude has challenged in a series of succinct questions." His request for a hearing "is a logical starting point."

With the incoming Nixon Administration and a new Congress, the time was right for "a renewal of initiative":

The new secretary, John A. Volpe, has properly avoided comment on the details of the dispute until he has had a chance to explore them.

He has asserted his firm support, however, for a reasonably balanced transportation system, utilizing both freeways and rail transit – and that is the real essence of the matter. The trail transit program is ready to go. What remains is a binding decision to assure the balance. ["New Start," *The Sunday Star*, February 2, 1969]

As frustration built, Representative Broyhill asked President Nixon to help get construction underway on the Three Sisters Bridge. The "on-again, off-again" status of the bridge was tragic and affected 11 stalled projects"

The eleven stalled projects listed by Broyhill are the Potomac River freeway; Palisades Parkway; George Washington Memorial Parkway (Maryland side); Interstate Route 66; Dulles Access Road; widening of Memorial Parkway on Virginia side; ramp connections between Memorial Parkway and Jefferson Davis Highway; Ohio Drive tunnel; additional river crossing lanes in the Chain Bridge area; Glebe Road widening; and widening of Route 123.

Representative Scott, the *Star* reported, was so angry about the delay in building the bridge that he introduced a bill to abolish NCPC and shift its functions to the mayor of Washington. ["Broyhill Asks Nixon to Push Bridge Start," *The Evening Star*, February 6, 1969]

The TPB rejected the Major Thoroughfare Plan on February 17 by a vote of 8 to 3, reflecting a suburbs-city split. The vote supported the Three Sisters Bridge and the North-Central Freeway. The approved policy statement said that "complete accessibility" is a requirement for any regional plan. "A freeway route serving Maryland and the north part of the District of Columbia is essential . . . . Similarly adequate service to the Virginia suburbs is required."

Although the vote encouraged freeway supporters, it had no legal force. Representing the District, Lt. Colonel Starobin said, "I think it will serve only a mischievous purpose." He, Councilman Yeldell, and Robert Harris of NCPC voted to oppose the statement. Yeldell pointed out that "there is unified opposition to freeways in the District." The District Highway Department abstained. ["Area Agency Backs Freeway Projects," *The Evening Star*, February 17,

1969; Eisen, Jack, "Reduced Road Plan Refused by Board," *The Washington Post and Times Herald*, February 18, 1969]

Outgoing Chairman Hechinger urged the board to reverse its vote. Freeways within the District were "disruptive" of good neighborhoods, residential sections, and parks:

The action of the board brings the problem right back where we were. You're talking about more gateways, and the principle of NCPC is not to have any more gateways.

It is very necessary that you repudiate yesterday's vote.

He was speaking during a panel discussion sponsored by the Council of Government's metropolitan congress of citizens. He was, however, the only defender of the Major Thoroughfare Plan. Montgomery County's Kenney pointed out that the vote was to "keep our options open." Although discussion was about the Three Sisters Bridge and the North-Central Freeway, "The action taken by the planning board was not an action that said anything about the Three Sisters Bridge or the North Central Freeway. We didn't mention any specific alignment of any road."

Babson, the new WMATA chairman, said to Hechinger, "I don't see how you're going to get around building the Three Sisters Bridge. Congress wants it, the people want it, except in the District and Arlington. I think we're going to see a Three Sisters Bridge whether we want it or not." [Delaney, Paul, "Rescind Freeway Stand, Hechinger Asks COG," *The Evening Star*, February 19, 1969]

### **Secretary Volpe Gets Involved**

WMATA provided an official estimate on February 7, 1969, based on new engineering studies for each line of the 97.7-mile rail rapid system. Professor Schrag described the resulting *Adopted Regional Rapid Rail Transit Plan and Program*, which was known as the "bronze book" because of its metallic-colored cover:

Along with supporting technical documents, this report, endorsed by the WMATA board and the congress, provided an official statement of what Metro was supposed to accomplish, from creating jobs and real-estate value to enriching the region's social and cultural life. And it estimated the system's price tag: \$2.4946 billion, including \$535.4 million in escalation, another term for inflation. [Schrag, page 171]

Overall, WMATA needed \$573.5 million from local jurisdictions, with \$1.1 billion in matching Federal transit funds. However, the amounts needed from some jurisdictions changed. Several jurisdictions' contributions were reduced (Montgomery and Prince George's Counties in Maryland and Alexandria and Falls Church in Virginia). Increases in other jurisdictions prompted Arlington and Fairfax Counties in Virginia to argue that they could not provide additional funds because of limits in the transit bond referendums that voters had approved only 2 months earlier.

In view of the increases and decreases, WMATA agreed on a compromise total for local jurisdictions of \$555.6 million. Because all the funding was not needed immediately, board members agreed to revisit how to pay the balance of \$17.9 million. [Flor, Lee, "Compromise On Subway's Cost Approved," *The Evening Star*, February 7, 1969]

On February 24, Secretary Volpe held a press conference to announce the nominations of Turner as Federal Highway Administrator and Secord D. Browne as Assistant Secretary for Research and Development. The secretary told reporters he had been studying the Washington area's Interstate System as modified by the Major Thoroughfare Plan.

After the press conference, he met for 70 minutes with members of the National Coalition on the Transportation Crisis, a group of freeway critics from other cities who affiliated with ECTC. ECTC's R. H. Booker, Sammie Abbot, Leonard Siger, and the Reverend Gipson represented the national group. They demanded a halt to freeway construction in all urban areas and the shift of highway funds to rail rapid transit. A spokesman for Secretary Volpe said he told the group he was sympathetic to their goals, but could not halt freeways entirely or shift the funds to transit.

He also met for 45 minutes with Deputy Mayor Fletcher, outgoing Chairman Hechinger, city council members Yeldell and Shackleton, NCPC Chairman Hammer, and other city officials in what they characterized as a get-acquainted meeting that occurred coincidentally on the same day as the meeting with freeway critics. Secretary Volpe assured them that he wanted the area's rail and highway transportation to be a national model. ["Volpe Studies Plan for City Freeways," *The Washington Post and Times Herald*, February 25, 1969; "Volpe Suggests Both Sides Give Ground on Freeways," *The Evening Star*, February 25, 1969]

On February 27, Secretary Volpe addressed the National Governors' Conference at the Washington Hilton Hotel. He recalled that he had been chairman of the Governors' Conference in 1968 when the Governors protested FHWA's proposed two-hearing rulemaking and its controversial appeals process. "In large part because of our opposition," FHWA modified the rule, which in final form "is nowhere near as objectionable to the states now as it was originally." He said the rule, nevertheless, was under review.

He stressed that delays in highway building must end. He said "our greatest concern is that we avoid the on-again, off-again policies of past years – that we insure the continued progress of highways already committed and that we experience no roadblocks in our efforts to construct a coordinated highway network within our proposed coordinated transportation system":

I have been asked in several recent interviews whether I'm a 'Highway Man' or a 'Rapid Transit Man.' The answer, of course, is that as of last month I am a 'Transportation Man.'

I have said before, and I say again, that highways will not do the whole job. I'm a former Commissioner of Public Works, I'm a former Federal Highway Administration, and I've cut plenty of ribbons to open new stretches of pavement . . . but I'll say it again, highways will not do the whole job.



While we cannot neglect our great highway system – either from an expansion or maintenance point of view, we must combine that system with rail, air and rapid transit modes. And we must bring to these other modes the same creative foresight we gave the Federal Highway program back in 1957 [sic].

We need the funding to develop these other modes of transportation and that is in the works. I have told the President that the Department of Transportation will come up with ideas and proposals to bring about the funding and the creation of a true national system.

We need the knowledge, the expertise and – in a sense – the audacity to put our crew of research and development experts to work to come up with fresh ideas backed with solid enthusiasm. [“Volpe Assails Delays in Road Building,” *Transport Topics*, March 10, 1969]

In an interview published in the February 1969 issue of *Highway User* magazine, Secretary Volpe said he was “pleased and honored” to serve in President Nixon’s cabinet. He recalled his brief period as Federal Highway Administrator:

The coincidence is even more striking than your question indicates since it was Mr. Nixon, on behalf of former President Eisenhower, who presented the basic plan for completing the Interstate System to the Governors’ Conference in 1954.

(President Eisenhower intended to deliver a speech on his “Grand Plan” for the Nation’s highways to the Governors’ Conference meeting at Lake George, New York, on July 12, 1954. Because of a death in the family, he was unable to attend, but gave his notes to Vice President Nixon, who delivered the speech. The President called for a \$50 million “grand plan for a properly articulated system that solves the problems of speedy, safe, transcontinental travel – intercity communication – access highways – and farm-to-market movement – metropolitan area congestion – bottlenecks – and parking.” By “articulated,” he meant that each level of government would improve its roads. The plan included “very probably, a program initiated by the Federal government, with State cooperation, for the planning and construction of a modern State highway system . . . to construct new, or modernize existing highways.” This statement, delivered by Vice President Nixon, launched President Eisenhower’s public drive for the Interstate System.)

The Interstate program, Secretary Volpe said, had been important to him as Commissioner of Public Works and Governor of Massachusetts:

I should mention in passing, though, that while the Interstate System is scheduled for completion sometime around the middle of the next decade, the traditional Federal-State highway program will never be brought “to a successful conclusion.” It must continue to keep pace with the ever-increasing demand for personal mobility.

Asked about the chief good and bad points of the program, he replied, “I don’t believe there are any ‘bad’ points, but there are areas which cause continuing concern.” He cited the rising cost and the tragic toll of highway deaths as areas of concern:

On the positive side, we can point to these undisputed “good” points of the highway program: improved transport, safer roads, greater travel comfort, decreased travel time and cost, unlimited mobility on a reasonably good road, and so on.

He said he would take a close look at the two-hearing PPM. “I was strongly opposed to the proposal; however, as finally published, it was changed rather materially, and I have not had the opportunity as yet to study what the full effect of these changes might be.”

In view of pressures to use highway user tax revenue for transit, he told the editors, “I believe that the integrity of the Highway Trust Fund must be preserved without question.” Diverting revenue to purposes other than highways “would abrogate a long-standing moral commitment, as well as a statutory provision.”

As Secretary, he strongly supported rail rapid transit because “we are going to need all of the kinds of transportation we now have or can dream up to meet the mounting requirements of our population.” Rail rapid transit would play an important part in “the scheme of things in larger urban areas”:

To be realistic, though, it is generally considered that rail rapid transit cannot be justified and successfully operated except in areas having at least 1,000,000 inhabitants. That severely limits its feasibility. There is a great future, I believe, in bus rapid transit, which is more flexible and can take advantage of such modern innovations as exclusive bus lanes on city freeways and other arterials . . . . However, all studies appear to indicate that future highway needs in urban areas will be great, even though urban areas undertake extensive programs to improve mass transit, whether bus or rail, or both.

He also responded to a question about the District’s freeway controversy:

Your question recognizes that Washington, D.C., has a “special” transportation problem and that is probably an understatement. Ordinarily I believe that each area must make its own analysis of its transportation needs. However, there are so many factors at play here in the District of Columbia that consensus is just about impossible. The District is the Federal City; many agencies are involved in its affairs; decisions affecting it have wide repercussions in neighboring States. It would seem, therefore, that this particular area should receive more than usual guidance from Congress and the Executive in solving its transportation problems. I believe that a balanced system of freeways and rail transit is urgently needed and that it should go forward as expeditiously as possible. But again, I refer you to my earlier comments about “balanced” transportation. Despite the present impasse, I believe that men of good faith, working objectively, can surely reach a solution that is best for the whole community.

He favored the design concept team as one approach to urban freeway development “if it is properly conceived and administered so that it does not result in costly delay.” At the same time, he thought that “some people” had “greatly distorted” the role of highway engineers and officials:

My own experience has indicated that the able, typical highway official has always been interested in values other than minimum cost and the shortest distance between two points. It is only those who disagreed with his decisions who have so characterized him. Nonetheless, there has been increasing attention given recently and currently to environmental factors of all kinds, and it will be my intention to continue this desirable trend. [“Secretary Volpe Tells Where He Stands,” *Highway User*, February 1969, pages 4-5]

In an interview in his office in the FAA building at Independence Avenue and 7<sup>th</sup> Street, SW., that appeared in the *Post* on March 9, he recalled his months in Washington in the mid-1950s:

While living in Washington as Federal Highway Administrator 13 years ago, John A. Volpe was pleased by plans on the drawing boards to cure the city’s traffic problems.

When he returned to the Capital a few weeks ago as Secretary of Transportation, the traffic was much worse but the plans remained. Some of the same ones were still on the drawing boards. “I was thoroughly amazed,” declared Volpe, discussing these findings in an interview, “and I can tell you, we are going to take some action.”

He had ordered a “complete restudy” of the problems in the Washington area and pledged to “knock some heads together, you might say, to reach some compromise.” Washington’s difficulties were an example of the types of problems occurring around the country:

Unless we as a Department of Transportation can come up with some innovative and imaginative ways of filling the transportation void in urban areas, within five to ten years our cities will be so strangled that you won’t be able to allow cars to come into them at all. [Oberdorfer, Don, and Eisen, Jack, “D.C. Gets Volpe Pledge on Chronic Ills,” *The Washington Post and Times Herald*, March 9, 1969]

In an Associated Press interview published in the *Star* on March 26, Secretary Volpe said that automobiles might have to be banned from some sectors of the Nation’s cities unless a mass transit breakthrough occurred within 2 years. “Some type of mass transportation has got . . . to get into operation pretty rapidly or we do face the real possibility that either we have to shut off . . . certain limited areas within a city [to rubber tires] or charge a fee to come in there.” New highways were needed, he said, but “we wouldn’t be in the mess we’re in today” if mass transit systems had been built as fast as urban expressways.” He added, “If we get down to a point where automobiles have to travel 5 miles an hour, well, you know how long people are going to use them.”

He was asked whether central city residents should have veto power over freeway construction in their neighborhoods:

Any responsible group should certainly have an opportunity to voice its opinions strongly and in the clearest terms. I think it is up to public agencies . . . to listen to these inputs on the part of neighborhood groups or citywide groups, action-oriented groups . . . or whatever they might be.

But in the final analysis it is the elected or appointed officials who have to make some final judgments . . . . Expressways are only one form. I'm convinced that you just don't stop a highway program because, perhaps, a few additional homes will have to be taken.

At the same time, "you just can't depend on a highway program to do the job completely, because it can't do the job." He cited the example of New York City. In 1917, he said, the average speed was 11 miles an hour. Now it was 7 miles an hour. "So we haven't made much progress in over half a century. So something needs to be done. And it needs to be done in a bold and imaginative way."

Did he agree with the urban experts who thought automobiles in central cities during business hours should be subject to user charges? Unless more progress was made more quickly than in the past 5 years, "you're going to have to come to some type of restriction on certain areas within . . . the core city on the utilization of the automobile." Trucks might have to be restricted to certain delivery hours or pedestrians and motor vehicles might have to be separated. "I would prefer to see the alternative of taking some people off the automobile tires if you provide good, swift, safe, economic mass transportation."

He added:

You are going to need highways as long as there's a United States of America.

But you are going to need mass transportation a great deal more and it's got to catch up . . . . And that is why I feel so strongly that we've got to do something by way of public transportation to try to catch up somewhat and minimize these tremendous delays and congestion which are taking place, which are just going to choke the economy of our major cities.

Because the AP conducted the interview for national newspapers, the reporter's article did not discuss the Washington freeway battles. [Hartnett, Ken, "Volpe Foresees Day When Cities May Curb the Use of Cars," *The Evening Star*, March 26, 1969]

By the time a new President is inaugurated, the previous President's political appointees typically have left office or are on their way out the door. One person who may not have realized he was expected to leave was Peter S. Craig, Assistant General Counsel for the Department of Transportation – one of several top-level Department of Transportation officials who were still in office when Secretary Volpe arrived. On March 17, the Department of Transportation gave Craig 30 days to leave. He told reporters he was "surprised and shocked" to learn he was not going to stay. An official told reporters that Craig had been hired for his "extensive knowledge" of ICC and Civil Aeronautics Board procedures. He had not been involved in local highway issues, the official stated.

Craig, 40 years old, said he "really hasn't made plans" on whether to return to the anti-freeway forces in the District now that he was a casualty of the incoming Administration. ["HUD Questions Procedures on Freeway Plans," *The Evening Star*, March 18, 1969; Hodge, Paul,

“District Foe Of Freeways Loses Post,” *The Washington Post and Times Herald*, March 18, 1969])

Craig joined the Southern Railway Company and returned to the freeway battles in the District of Columbia.

### **Trying to Break the Logjam**

Maryland officials were pressuring Secretary Volpe about the District’s decisions. In the General Assembly on February 27, Delegate Daniel J. Cronin (R-Montgomery County) asked his colleagues to postpone action on the Baltimore-Washington Parkway transfer for at least a year. He introduced a resolution calling on the Maryland State Roads Commission to study the needs, feasibility, and priority of spending State funds to upgrade the parkway to Interstate standards. He said:

I don’t see why Maryland should spend one cent on the parkway when we have Interstate 95 languishing a few miles to the west, and no one knowing how it will connect with downtown Washington. There also is a serious need to improve Interstate 70S from the Capital Beltway to Frederick and the work should be done as soon as possible.

The Baltimore-Washington Parkway, as an interstate highway, is not going to provide the access to downtown Washington that was planned earlier when Maryland and District officials prepared the North Central connection with Interstate 95. [Rowland, James B., “State Delay Asked on Parkway Fund,” *The Evening Star*, February 27, 1969]

On March 4, Special Assistant Attorney General Buscher of the roads commission asked the Ways and Means Committee of the House of Delegates to kill the Cronin resolution. His action reflected the State’s determination to fight for routing I-95 through the District. He said that designation of the parkway as I-295 had not eased the need for a District routing of I-95:

I am sure the Federal Highway Administration believes both interstate roads are essential or the agency would never have given them both interstate designations.

He was confident that former Chairman-Director Wolff was talking to Secretary Volpe about breaking the impasse. The Cronin resolution, if adopted, would complicate the State’s plans. “We want to include reconstruction of the parkway in the needs study we submit to the Bureau of Public Roads late this year, and they, in turn, will be able to ask Congress next year for funds to pay for most of the improvements.” [Rowland, James B., “Maryland to Intensify Fight for Route 95 Link,” *The Evening Star*, March 5, 1969]

The Montgomery County Council joined the fight on March 4. The four Republican members of the Council overruled the three Democrats to approve a resolution, introduced by Councilman Keeney, calling for a freeway link to downtown Washington. The resolution declared that the freeway was “vital to economic growth, manpower needs, and stability” in the county and city, and was “essential to a comprehensive, balanced, regional transportation system.” It also called for immediate release of the subway funds that Chairman Natcher was blocking.

The resolution did not specify a route, but as Kenney said, the North-Central Freeway was the only option. “That’s the only way this resolution can point. I can’t imagine starting all over again to plan a new freeway link.”

The Democrats argued for delaying action until Montgomery County officials could meet with District officials, but Councilman Gleason argued successfully that such a meeting would be a “useless exercise in futility.”

ECTC members, including Abbott, were in attendance. Abbott, described in the *Post* article about the session, as a “bellicose freeway foe,” and in the *Star* as “a grizzled veteran of the freeway wars,” reacted strongly when Gleason said, “It’s an interstate project anyway. There’s nothing this Council can do or not do that can affect it . . . . I’ve made enough changes on this thing personally so that I can support the resolution . . . . I don’t want to give Natcher anything that can hold up the transit appropriation.” At that, Abbott shouted, “You’re a traitor,” reminding Gleason of his service as attorney for the Save Takoma Park Committee. For this and other shouted comments, Abbott earned an escort out of the room by two plainclothes county detectives; they did not arrest him. [Feinberg, Lawrence, “Montgomery Council Backs D.C. Freeway,” *The Washington Post and Times Herald*, March 5, 1969; Ikenberry, Kenneth, “Montgomery Council Backs North Central Freeway Plan,” *The Evening Star*, March 5, 1969]

The curtailed freeway network aroused HUD’s suspicion. On March 17, a letter was made public in which HUD Regional Director William L. Kaplan questioned whether the Metropolitan Washington COG had engaged in sufficient city/suburb consultation regarding the freeway plan. He urged the organization to take a new look at the plan. Federal law required urban housing and transportation plans to be reviewed by a regional agency. With the possibility that HUD would withhold housing and other funds from the area, Kaplan wrote about the concerns expressed within the region:

While each of the jurisdictions in the COG planning area must consider the impact of transportation on the local community, these local concerns are to be aired through the Council of Governments where alternatives can be explored . . . .

Up to this point, we have considered that transportation policy . . . decisions would at least be based on the weighing of regional implications and alternative courses of action.

He asked COG to reexamine the plan and indicate “how a similar situation may be avoided in the future.”

Warren D. Quenstedt, secretary of the transportation board, called Kaplan’s letter a “rather direct demand to do what it feels the law declares.” Quenstedt pointed out that the letter “very directly and unequivocally raised questions about federal assistance, but did not say the decision was wrong.” It appeared, he said, to offer the alternative “to explain if it had” complied. At its regular monthly meeting, the board referred Kaplan’s letter to a committee to consider a response. [Eisen, Jack, “HUD Says City Must Confer on Freeway Plan,” *The Washington Post and Times Herald*, March 18, 1969; “HUD Questions Procedures on Freeway Plans,” *The Evening Star*, March 18, 1969]

*Star* editors had to admit that the failure of NCPC and the city council to consult with suburban planners was one of “a number of bad things” about the curtailed freeway plan. “This was, by any standard, a deplorable failure of planning judgment.” The District was not “an island” and it cannot view its transportation needs “apart from those of the metropolitan area as a whole.”

HUD had now called the approval into question, the editors stated, and with good reason in view of suburban complaints. The problem was “that there is really nothing at all that the Council of Governments can do to change the situation unless the city government agrees.” All indications were that the city would not “budge unless it is required to do so by Congress and by the administration”:

HUD has added one more compelling reason for resolving this absurd stalemate through the negotiation of a highway plan which truly relates to the needs of the entire region. We hope that its entrance to the controversy advances that result. [“Non-Regional Planning,” *The Sunday Star*, March 23, 1969]

The *Post* reported on March 21 that backstage negotiations were underway with staff of the House Committee on Public Works to resolve the impasse over freeway construction and rail rapid transit funding. The hope was to resolve the impasse by compromise rather than new legislation. Robert Kennan, the roads chairman of the Committee of 100 on the Federal City, had revealed the negotiations on March 20. A congressional source told the *Post* that the meetings would continue. [“House Committee Seeking to Break Impasse on D.C. Freeways, Metro,” *The Washington Post and Times Herald*, March 21, 1969]

While waiting for Congress release funds for subway construction, WMATA was not idle, as the *Star* described:

At present, seven stations are under final design, as is 5.6 miles of the eventually 97.7-mile network of subway, surface and aerial track.

The geologists are continually boring holes into the streets to study the soil and rock base strength, and the real estate section of WMATA has begun making arrangements to buy the necessary properties along the route.

Other sections of WMATA are working on testing the new metro car and figuring out the massive electronic system that will accurately operate the trains . . . .

Officials and staff were surprised that they had not been able to begin construction:

Finding themselves in the middle of the freeway fight – a true “no-mans land” – the subway builders still seem a little stunned that they couldn’t begin digging last October as they had planned.

The first dirt was to fly at the Judiciary Square station, one of 86, deep beneath the bronze hooves of the Jose de San Martin Equestrian statue.

After the holdback on construction money, the subway builders took out their slide rules and computed that it is costing \$250,000 for every day subway construction is not going on or \$90 million a year.

In their office in “modern, sterile L’Enfant Plaza” along the 10<sup>th</sup> Street Mall, staff had one request of a reporter. “Don’t write anything that will make Congress mad at us and its highway friends.” [“Word on the Subway Countdown: Still Holding,” *The Evening Star*, April 14, 1969]

### **Backstage Negotiation**

On April 21, Mayor Washington, Deputy Mayor Fletcher, and other city officials appeared before Chairman Natcher’s subcommittee to discuss the District of Columbia Appropriations Act for 1970. After covering many other topics, Chairman Natcher asked “Mr. Commissioner” (Mayor Washington) what the city was doing to solve the rapid transit-freeway controversy.

Fletcher acknowledged his work with Public Works Committee staff. “It is our hope that very shortly we will have a compromise proposal that would be accepted by everyone concerned on this, so we can proceed with a balanced transportation system.”

Chairman Natcher asked if a decision would be made while the hearings were underway. Fletcher said “it is my understanding that a meeting of the principal Congressmen involved will be held next week.” The chairman said he hoped the talks would be successful “because we are ready to act on this committee, and we have been ready to act on this committee since 1958.”

Mayor Washington assured him:

We think this is a vital matter. We think the balanced transportation, with the plan, can be developed and I simply appreciate the posture that the committee takes with respect to wanting to see this and wanting to see it soon. I think it is very vital, not only to the economy but to the welfare of the city, that we move forward. [District of Columbia Appropriations for 1970, Hearings, Subcommittee on District of Columbia Appropriations, Committee on Appropriations, U.S. House of Representatives, Part 1, 91st Congress, 1<sup>st</sup> Session, pages 88-89]

Fletcher repeated his assurances the following day before Senator Byrd’s Senate Appropriations Subcommittee on the District. The city would, he said, comply with the requirements of the 1968 Act. He was reluctant to provide details until they were finalized, in part out of fear that anti-freeway forces would launch opposition to the compromise. However, a source told the *Post*’s Jack Eisen that the discussions involved starting construction of the Three Sisters Bridge and beginning an 18-month study of the-North Central Freeway to Silver Spring.

General Graham, testifying later in the day, warned that costs were rising. If construction were delayed beyond July, WMATA might have to renegotiate local contributions, a prospect that might not be “politically feasible.” [Eisen, Jack, “Freeway Accord Near, Senate Told,” *The Washington Post and Times Herald*, April 23, 1969; Grigg, William, “Freeway Crisis May End Soon, Fletcher Says,” *The Evening Star*, April 22, 1969]



*Star* editors considered Deputy Mayor Fletcher's testimony "the first optimistic word on this subject in a long, long while." They hoped he was right:

Riding squarely on the outcome of the highway negotiations is the fate of the region's rail transit program – not merely in terms of a temporary delay, but of a permanent setback.

If construction of the bobtail system did not begin soon, rising costs threatened "the whole package" of financial support for areawide rail rapid transit.

Recognition that this prospect cannot be allowed to come true "has finally raised the prospects of resolving the highway differences." Of course, any settlement involving freeway construction was not likely to "satisfy the vocal, hard-core opponents." Nevertheless, the mayor and city council had an obligation "to see that the opportunity for a modern, balanced system of transportation does not slip away. Congress must be persuaded to release its grip on the transit funds." ["Roads and Rails," *The Evening Star*, April 24, 1969]

Chairman Hahn responded to the news by promising a city council hearing on any agreement reached as a result of the Fletcher negotiations. The hearing would take place May 8 and 9 as part of a scheduled hearing on the future of D.C. Transit Systems, Inc.

The Committee of 100 on the Federal City reacted to the news by sending a letter to Fletcher on April 23 warning:

It is our opinion as a matter of law that the city cannot go ahead with the Three Sisters Bridge and the North Central Freeway, and we will stop it.

The letter, signed by Chairman Chapman, charged that a compromise allowing their construction would be "a complete sellout to the highway lobby by the Mayor's office." The committee's investigations showed that the existing Potomac River bridges "will provide more capacity than necessary" after rail rapid transit to the Virginia suburbs was completed in the 1970s. ["Hearings Promised On Freeway Accord," *The Washington Post and Times Herald*, April 24, 1969; Conconi, Charles, "Committee of 100 Warns On Freeway, 3 Sisters," *The Evening Star*, April 24, 1969]

On April 28, President Nixon issued his second special message to Congress on the District of Columbia. The first had concerned law enforcement and resources to recover from the riots of the previous year. The second concerned the city's aspirations for self-government and other issues, including the need for a rail rapid transit system.

Regarding self-government, President Nixon said:

Full citizenship through local self-government must be given to the people of this city: The District Government cannot be truly responsible until it is made responsible to those who live under its rule. The District's citizens should not be expected to pay taxes for a government which they have no part in choosing – or to bear the full burdens of citizenship without the full rights of citizenship.

I therefore ask Congress to create a Commission on Self-Government for the District of Columbia, to be charged with submitting to Congress and the President a proposal for establishing meaningful self-government in the District.

In a section titled “Balanced Transportation System,” the President said the city “needs and deserves a mass transit system that is truly metropolitan,” but it must be “part of a balanced transportation network”:

A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly, the impasse that has arisen between proponents of road and rail transportation in the Washington metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved – central city dwellers, suburbanites, shoppers, employees, and visitors alike – that this be done.

He endorsed legislation prepared by WMATA that would expand the authorized 25-mile rapid rail transit system to a 97-mile regional system:

The expanded system would provide rapid transit between the downtown and outlying areas. It would facilitate the free flow of resources and labor, and would benefit all eight jurisdictions involved in its planning and approval . . . . The 97-mile system would relieve downtown congestion; increase employment; make educational, cultural and recreational facilities more accessible; reduce air pollution; stimulate business, industry, and tourism; broaden tax bases; and promote orderly urban development of the Nation’s Capital.

The estimated cost of the expanded Metro system was \$2.5 billion, with the Federal share being \$1.1 billion. “I urge that Congress promptly enact the necessary authorizing legislation for the 97-mile system.”

The comment about “hopeful signs” was an apparent reference to Deputy Mayor Fletcher’s negotiations with the House Committee on Public Works. During a briefing on the message, President Nixon’s chief urban affairs adviser, Daniel Patrick Moynihan, replied to a reporter’s question about the phrase. He replied, “The birds are singing, the flowers are blooming, the shad are running,” a response Jack Eisen described as “noncommittal.” [Eisen, Jack, “Nixon Backs Metro, D.C. Freeway Plan,” *The Washington Post and Times Herald*, April 29, 1969]

On April 29, *Star* reporters found that:

Rep. John C. Kluczynski, D-Ill., was all smiles this afternoon as he acknowledged that the committee was scheduled to meet late today to discuss a tentatively reached settlement . . . . He and other committee members have been particularly interested in putting the Three Sisters Bridge back into the city’s freeway planning, which has eliminated both the bridge and the North Central Freeway.

Rep. William H. Natcher, D-Ky., was reported by an associate to be very optimistic that the freeway dispute will be resolved so that he can move soon to release funds for the area subway system.

Although the city council “still would have to approve a compromise,” members of the House Committee on Public Works “appeared certain today” that agreement had been reached.

The *Post*, citing a source close to the negotiations, reported that a draft agreement was only “a couple of days” from final accord. However, the source said negotiators who reviewed the draft agreement on April 29, had not reached any conclusions. [“Gain Reported In Freeway Negotiations,” *The Evening Star*, April 29, 1969; “City and Hill Near Accord,” *The Washington Post and Times Herald*, April 30, 1969]

With agreement so close, the District Building was the source of freeway controversy on May 1. Late the day before, Corporation Counsel Duncan informally ruled that neither NCPC nor the city council could “countermand” the expected agreement restoring the Three Sisters Bridge to the city’s freeway plan or countermand the requirements of the 1968 Act. If the negotiations among city officials, congressional leaders, and FHWA reached a conclusion, the District Highway Department would be able to sign contracts to implement the agreement without consulting the city council or NCPC. The *Star* and *Post* reported that according to congressional sources, agreement had not yet been reached.

Chairman Hahn and other members of the council were angry about the ruling, calling it “arbitrary” and “invalid.” Hahn referred to it as “a nullity” and said:

This ruling deprives the people of a voice on the issue of freeways against homes. The people of Washington don’t want either the North Central Freeway or the Three Sisters Bridge. Without the City Council, the people are helpless. We are the people’s only voice. We will fight.

He added, “I don’t feel prepared to pay any price to get a subway. As far as I’m concerned, the freeway system is one thing and subways are another.”

Duncan replied that, “whether the chairman likes it or not,” the city council would be bound by the ruling “until a court determines otherwise.”

Hahn said that citizens groups may go to the courts, but the city council “would take other sanctions” when Mayor Washington presented his budget for approval. Late in the day, Hahn stated that the city council, as the legislative branch of the government, was not bound by rulings from the city’s legal office. [Delaney, Paul, and West, Woody, “Hahn to Fight Opinion on D.C. Freeway Power,” *The Evening Star*, May 1, 1969; “Duncan Claims City Can’t Stop 3 Sisters Span,” *The Washington Post and Times Herald*, May 1, 1969; Moore, Irna, “Council Scorns Freeway Ruling,” *The Washington Post and Times Herald*, May 2, 1969]

Deputy Mayor Fletcher did not take a position on Duncan’s ruling, saying, “I never get involved between two attorneys.” That evening, however, he met for an hour and a half in the council chamber with ECTC and other groups from the District and Montgomery County to discuss his

negotiations. He denied that an agreement had been reached and said he met with Public Works Committee staff only to find out what it would take to get Congress to release the subway funds.

Representing the city on NCPC, he had voted for the curtailed plan:

I have indicated to the House committee that we are in favor of the council plan. I have told the committee that no agreement could be made that involved the North Central Freeway, and that the houses acquired must be sold back to private individuals, except those that will be used for the subway.

I am opposed to the North Central Freeway.

He said, "The sole reason I have been meeting with the House Public Works Committee is to determine what the city would have to do to build a subway." In negotiations, he found that the price was construction of the Three Sisters Bridge and a study of the North-Central Freeway. "If that is the price we would have to pay for the subway, then I'm willing to pay it."

Nearly everyone in the crowd jumped to their feet and erupted with cries of "throw him out, resign, resign, let's throw him out." Many said they would prefer no subway if more freeways were the price for its construction.

Remaining calm, Fletcher said, "If I could solve this by resigning, I'd resign today." He asked, "If the price of the subway is the Three Sisters Bridge, you're saying we don't want the subway?"

One speaker told him that the situation was becoming a "national scandal" and that Congress would have to release the subway money anyway. Fletcher, the speaker said, should take a firmer line with Congress. ECTC's Booker told Fletcher that the city's African-Americans were starting to wonder if "the only thing the city government can understand" was violence. [Delaney, Paul, "Span-Subway Plan Defended by Fletcher," *The Evening Star*, May 2, 1969; Fiske, Phineas R., "House Talks On Freeway Net Defended," *The Washington Post and Times Herald*, May 3, 1969]

Mayor Washington returned on May 5 from a 10-day vacation; his views on developments were unknown. Chairman Hahn declared that the mayor was barred by law from entering into contracts for the Three Sisters Bridge. He was bound by NCPC's Major Thoroughfare Plan that the city council had adopted in December 1968. Chairman Hahn also again asserted that the city council was not bound by the legal opinions of the city's executive branch. The D.C. Code and the Reorganization Plan that had established the mayor-city council government "provide that no opinion of the corporation counsel binds the council where the council has acted on the subject involved, even if the city has requested the opinion of the corporation counsel":

Since the council has already acted on the highway plan in 1968 to exclude the Three Sisters Bridge and the North Central Freeway, the corporation counsel's advice has no effect.

Second, the Federal Highway Law provides that the mayor may not let contracts for any freeway or bridge except in accordance with the comprehensive major thoroughfare plan approved by the National Capital Planning Commission and the council last December.

As far as he was concerned, the controversy was over.

Appearing on WRC-TV's "Dimension Washington," Hahn said he understood the power of Congress over the city, but given the opposition to the Three Sisters Bridge and the North-Central Freeway, "I just feel that Congress is not going to force us to do what the people here don't want." The city council was "not prepared to pay the price of the North Central Freeway for the subway."

Ongoing city council hearings had exposed a housing crisis. "Anything that affects housing, like a freeway, this is a most important thing . . . . You've got to know that this is what is on people's minds. It's a foolish man who would fail to pay attention to this." He planned to meet with HUD Secretary George W. Romney to discuss the need for 10,000 single-family dwellings and 100,000 housing units as well as the need to save existing housing that had deteriorated. [Delaney, Paul, and Sarro, Ronald, "Hahn Claiming Freeway Power," *The Evening Star*, May 5, 1969; "Hahn Cites 1968 Act in Road Feud," *The Washington Post and Times Herald*, May 5, 1969]

The same day, May 5, Majority Leader Mansfield introduced remarks on the Three Sisters Bridge on the Senate floor for the record. He, too, had heard about the negotiations that would include immediate construction of the bridge and later the North-Central Freeway:

I was shocked when I read in last Friday's papers that the Deputy Mayor said publicly that the Three Sisters Bridge is the price the city has to pay to build a subway system. He said it is willing to pay that price.

Is this the way to plan the Nation's Capital?

Only a few months earlier, NCPC and the city council, "the voice of the people," approved a freeway plan that excluded the Three Sisters Bridge:

Can those who are now involved in what the press calls "negotiations" really believe that an extensive freeway system will enhance the quality of life, the economic strength, or the great beauty of the Capital of the United States? Why do they want to build a bridge that is fervently opposed by the citizens on both sites of the Potomac?

During his time in Washington, he had rejoiced in the city's parks. In the past 10 years alone, however, he was dismayed to learn, 350 acres of parkland had been taken for other uses, mostly for highway construction. "If the highway system resulting from the current 'negotiations' is built, many more acres of parkland will be paved over." He estimated that the Three Sisters Bridge would cost about 25 acres on the District side and more than that in Virginia.

He summarized the restriction on the use of Spout Run Parkway and the potential effect of the bridge's approaches in the District on the Chesapeake and Ohio Canal and Glover-Archbold Park:

Bridges stop at the water's edge, but traffic does not. I read that there is to be a tunnel along the Georgetown waterfront. But tunnels can go only so far. Where does the traffic surface and how does it get across town?

Past plans called for a North Leg Freeway that might take land from Rock Creek Park, from homes and businesses, or be tunneled under K Street "through the city's busiest commercial area." Maybe it would be carried in a tunnel under the South Lawn of the White House. Thus, the decision to build the bridge would have "much wider implications than the construction of a span over the Potomac River."

An Interstate freeway such as I-266, by law, had to carry trucks, but why should truck traffic be routed through the heart of the city? "The beltway makes it possible for trucks with other destinations to bypass the city, and the highway plan approved last December would improve access to the city's warehousing and industrial area."

As for the North-Central Freeway, he thought negotiators were deliberately vague. They hoped "to persuade the black residents of northeast Washington that the Three Sisters Bridge is a problem only for affluent whites in Georgetown, sentimental park lovers, and bird watchers. I do not believe they will succeed."

One thing District residents agreed on was opposition to the freeways. "This is true of the rich and poor, the black and white, and people in every geographical area of the city and in Arlington."

As for the tradeoff, he said:

It is inconceivable to me that the proposed subway system could be held a hostage to more unwanted freeways. The Congress should not sit idly by while these freeways are forced on the Nation's Capital – disrupting the lives of its residents and destroying its great beauty. I invite my colleagues to look to the right as you leave Capitol Hill today to see the extent of the clearance – the great asphalt canyon – that construction of the Center Leg has made necessary. If the Three Sisters Bridge is built, we can expect a canyon like that, filled with exhaust fumes, to run from the Georgetown waterfront somewhere across the city to its Northeast boundary.

Everyone concerned about air quality and our natural heritage "should be gravely concerned about what is happening right now here in the Nation's Capital.

Senator Dominick agreed:

There is a very grave possibility that we are creating a huge pad of concrete which will become the city of Washington if we keep on going into the programs which have been

put forth up to date. I certainly do not wish to see the city of Washington turned into that kind of monstrosity.

When he was on the Senate District committee, he had asked the Interior Department and other agencies if they had studied the pollution that would result from additional automobiles coming into the city. They had not and were not planning to do so. They also had not prepared for off-street parking of any kind. As far as he knew, “we do not have any satisfactory explanation as to what will be done about the pollution problem or the potential enormous pad of concrete which will be built up in Washington over and above its surface.”

Senator Mansfield pointed out that the proposal to build a road under the South Lawn of the White House was “being used as a bargaining point”:

We are told that more concrete to be poured everywhere is the price we must pay to obtain a subway. Included in the bargain we are told is the agreement to go ahead with the building of the Three Sisters Bridge. Such a posture flies in the face of the unanimous opinion of the City Council and the findings and recommendations of the National Capital Planning Commission.

Senator Dominick concluded the colloquy by saying that because he was no longer on the District Committee, “there is not very much I can do about it except to express my opinion and accord with the statement of the Senator from Montana.” [The Three Sisters Bridge, *Congressional Record-Senate*, May 5, 1969, pages 11257-11258]

Largely because of the North-Central Freeway property issue, congressional staff broke off negotiations with Fletcher on May 6. The city considered the freeway a dead issue and was looking for another route. Fletcher thought the houses should be sold because “it is not conceivable to me that we would ever adopt that routing for a North Central Freeway.”

In response, Chairman Fallon made the committee’s position clear. Neither he nor any member of the committee had been involved in negotiations on the city’s freeways. He told reporters he realized the city was looking for a new route, but he didn’t “see any reason” to sell acquired properties:

Fletcher wanted to get rid of the property. We wanted them to wait until after the study was over. Otherwise, if the study showed the old route best after all, they’d have to buy the property back.

Moreover, they might have to “pay more for it.”

Further, the committee was limited to what it had agreed to after enactment of the Federal-Aid Highway Act. “We can’t change the 1968 law except that we could have provided the 18 months to look for an alternate to the North-Central route.”

He said compliance with the law’s provisions was “up to the administrative end,” adding, “we’re just here waiting . . . . We have no alternative.”

Fletcher acknowledged that he had met only with staff aides in hope of finding “the price” for release of subway funds. He had made clear to the aides that the North-Central Freeway in its present routing was not up for debate. “I can’t conceive of the North Central Freeway ever again being a part of the city’s transportation plan.”

Mayor Washington, having been out of town, was not prepared to comment on the issues. Fletcher said the mayor wanted to ask Congress to approve legislation allowing sale to the previous owners. Drafting was underway.

Despite the breakdown in negotiations, Fletcher remained optimistic about the subway. “It is an idea whose time has come,” although he did not know what the next step was to secure the matching funds. He hoped “we can proceed with the subway plan as proposed, also with the council’s freeway plan. However, “somebody else” would have to take the next step, and he did not indicate who that might be.

Chairman Hahn stood by the city council’s decision before he took office, namely the plan without the Three Sisters Bridge or the North-Central Freeway:

In view of the statement attributed to the House Public Works Committee and the statement of Deputy Mayor Fletcher, it appears that no one is asking the council to change its plan which rejects the Three Sisters Bridge and the North Central Freeway.

The council therefore concludes that there is no further action required of it at this time.

I don’t know and never did know how far the proposed compromise went and who offered what. As long as there is no freeway or subway progress being made, we should do everything we can to beef up the bus service and keep down fares.

Councilman Yeldell commented:

That brings us back to the council’s transportation plan, and Congress, in its wisdom, will see that it’s the will of the people and move on.

President Johnson had asked the council to come up with a highway plan, and the council had done so. “We would expect congressmen to honor that plan just as they would honor the will of their constituents.”

Sources told the *Star* that Fletcher’s desire to sell the homes – 69 parcels with boarded up houses on them that ECTC and other anti-freeway groups had highlighted – was a demonstration “of good faith” to ECTC. Judging from comments during a May 6 hearing on legislation providing for public acquisition of D.C. Transit System, the demonstration was not reciprocated. With more than 150 people in attendance, the hearing rarely touched on the status of the transit company. Sammie Abbott, the first of 36 witnesses, warned the city council that it “had better and quick” restore the homes in the North-Central Freeway corridor to private ownership by black families. “We’re going to unboard those homes ourselves. We’re willing to go to jail on the issue.”



Other witnesses expressed shock at Fletcher's negotiations, used phrases such as "unequivocally opposed" to freeways, and demanded a push for the subway, despite Chairman Natcher's opposition. They also called for Fletcher's resignation in view of the now-rejected compromise. ["City Effort to Unravel Freeway Tangle Stalls," *The Washington Post*, May 7, 1969; Grigg, William, "House Unit Vetoes Plan On Freeway," *The Evening Star*, May 6, 1969; Delaney, Paul, and Holland, William, "Mayor Seeks OK to Return Freeway Land," *The Evening Star*, May 7, 1969]

On May 8, the WMATA board erupted in what the *Star* called "a noisy dispute" over the freeway impasse. Gleason warned that rail rapid system was "going to crumble to the dust" unless something was done to resolve the impasse. Chairman Babson, "looking surprised and irritated, grumbled, 'I thought we had agreed to discuss this in executive session.'"

Gleason replied that he was through with discussions in executive sessions out of public view. He said, "Nothing is going to happen if this authority continues to sit in silence." He feared that the jurisdictions contributing to the financing plan would consider pulling out as the cost of the plan escalated by an estimated \$250,000 a day.

Meanwhile, Mayor Washington met with reporters after catching up on what had happened during his 10-day vacation. He disassociated himself from Fletcher's comment that if the price of the subway were the Three Sisters Bridge, "I'm willing to pay for it." Mayor Washington speculated that Fletcher may have been answering a specific question with "his own personal views." As Fletcher had stated, Mayor Washington did not think his deputy had been negotiating an agreement. He was simply trying to find out how the city could help begin Metro construction. The bridge was more an idea of committee members than the city.

The mayor made clear that he supported the plan approved by NCPC and the city council. He had "no intention of departing from that plan":

The city is going to pursue the subway as far as it can, but I don't see what that is.

As far as he was concerned, the freeway impasse and the subway plan were separate issues that should never have been linked. "They are not related issues; they've just been made that way."

The *Star* reported that its sources said Deputy Mayor Fletcher had been negotiating since January on a plan that always included the Three Sisters Bridge as the basis of the talks. Chairman Hechinger had attended the initial talks, but later sent staff to represent him. "Eventually, Hechinger pulled his staff out when it was apparent that a deal including the Three Sisters [sic] was in the making. The new chairman, Gilbert Hahn Jr., said he refused even to talk about negotiations."

In addition, the *Star* reported that two stories were circulating within the District Building to explain relations between Mayor Washington and Deputy Mayor Fletcher. One was that Fletcher had gone too far in negotiating a deal that involved the Three Sisters Bridge. The other claimed that Mayor Washington knew what was happening during his absence, but that when the plan collapsed, "moved to clear his name, leaving Fletcher holding the bag." In this story, "Fletcher is

peevied at the mayor for this reason.” [Delaney, Paul, “Mayor Still Supports Council In Subway-Freeway Impasse,” *The Evening Star*, May 8, 1969; Moore, Irna, “City Ponders Subway Impasse,” *The Washington Post and Times Herald*, May 8, 1969; “Delay Perils Rail Transit, Board Told,” *The Evening Star*, May 9, 1969]

In the Senate, Public Works Committee Chairman Randolph wanted to remain neutral. Addressing the D.C. Metropolitan Area Highway Users Conference at the Continental Hotel, he said of Section 23 in the 1968 Act:

The reluctance of the Senate to become involved is validated by the fact that – some nine months later – the issues are as approximately unsettled as they were when the Act was signed by the President.

He was concerned about “the narrowness of the view, the polarization” of people on both sides of the debate. “I am sure that if an agreement can be reached, we in the Senate would support it.” A solution, however, was doubtful:

I recognize that the problem here has reached emotional proportions of great magnitude. There must be a disengagement of conflicting forces so that answers can be found.

He doubted that all Washingtonians opposed all freeways. “Neither do I believe that all of the projects proposed for the Interstate system as it applies to the District are essential, or that they must be built without regard to the feelings of the citizens.” [Eisen, Jack, “Transit Impasse Laid to Emotions,” *The Washington Post and Times Herald*, May 11, 1969]

On May 11, *Star* editors summarized the situation:

Fletcher’s own efforts to seek a rational way out of this absurd impasse through conversations with House members fell apart last week. Mayor Washington, returning from an out-of-town trip, had nothing of value to add. City Council Chairman Gilbert Hahn’s contribution was a series of anti-highway pronouncements which served merely to compound the confusion. For the moment, Congress is awaiting further developments.

The editors hoped that Secretary Volpe, “who thus far has not tipped his hand as to his position in the dispute,” would see that it ends. Having not been involved since leaving BPR in 1957, he was not bound to any developments since then. “Owing no commitments to anyone, he is free to move on his own toward a realistic compromise.” [“Toward an Area Transportation Compromise,” *The Sunday Star*, May 11, 1969]

Director Airis appeared before Chairman Natcher’s subcommittee on May 12 as part of the subcommittee’s review of District agency needs. Before Airis could begin his statement, Chairman Natcher commented on the freeway and rapid transit controversy. He went through the history of the controversy, including the 1959 freeway plan, the Three Sisters Bridge controversy, the U.S. Court of Appeals decision in February 1968, the increased cost of the freeways caused by years of delay, and the House decision to hold District matching funds for the subway until the freeway impasse was eliminated.

Chairman Natcher praised President Nixon's special message on a balanced transportation system for the District. Quoting the section on the impasse over the freeway network, Chairman Natcher said "this is the first time that any President during the past 10 years has made a frank, fair statement as to the situation." He added, "We have reached an impasse and it should be settled, and it must be settled." He concluded:

The statements that I have made to you today you have heard me make before. I say to you and Mr. Fletcher and the others present that our committee is in the same position that we have been in all along in this matter. We believe that this controversy ought to be settled. When we had the Commissioner [mayor] before our committee one of the first questions I asked him – and I believe you were here – I asked him: "What have you done about settling this matter?" You remember his answer. [District of Columbia Appropriation Bill, 1970, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-680, November 20, 1969, pages 1077-1079]

Airis's statement updated the subcommittee on the status of the freeway network:

Last year, in my appearances here, I reviewed the status of the District's freeway program and outlined principal reasons for lack of progress. Unfortunately, I must report that, except for some sizable new contracts on the lower end of the center leg, the interchange "C" project that connects to the twin 11<sup>th</sup> Street Bridges, which are now in use, and to a usable segment connected with Barney Circle, and for the superstructure of the new 14<sup>th</sup> Street Bridge, we have made no new starts. The contract obligations so far for this fiscal year total approximately \$36.3 million, of all types of funds.

Events of the past year that have continued the stalemate on remaining freeways have had quite wide publicity. I am assuming committee members are familiar with these events, so I shall not review them in this opening statement.

As a result of those events, "it is pointless to discuss" budget needs for FY 1971, which began on July 1, 1970.

As a result of events in late 1968 and 1969, the District at the present time does not have a clear, coherent, and approved interstate freeway system on which it can move forward. Until a system does become firm, it is pointless to discuss, as has been customary at previous budget hearings, the status of the District's Federal-aid interstate fiscal obligations.

Therefore, he left discussion of the matter out of his opening statement. [page 1081]

Representative Wendell Wyatt (R-Or.), a new member of the subcommittee, asked Airis to furnish information on "what you feel the capacity or capability of the Department is in the event the impasse on freeway construction in the District of Columbia is terminated within the next 30 to 60 days." He clarified that if the District received "the green light," how much could the city spend in FY 1970 on the freeway network.

Airis submitted his response in writing on the assumption of a breakthrough:

The Capability of the Department of Highways and Traffic to Proceed  
if the Impasse on the Freeway Program Is Broken

If the impasse on the freeway program is broken, and a firm decision by all authorities is made by June 1 the following work can be started in fiscal year 1970.

*Three Sisters Bridge.*—The Department could award initial construction on the bridge of a river pier in mid-October of this year. The obligation involved for this pier construction is estimated at \$1 million.

*Potomac River Freeway.*—The freeway could be advanced to an engineering contract to design the freeway and develop contract drawings. Allowing for the engineering contract to commence on July 1, the earliest construction contract that we can foresee might be awarded as early as May 1, 1970. The estimated cost of the engineering contract services which could be obligated in 1970 is \$1 million.

*East Leg of the inner loop.*—With proper approvals, the east leg could proceed to a construction contract for grading and drainage between Barney Circle and a point midway between Barney Circle and the East Capitol Street Bridge. Contract award could be made in mid-October for an estimated cost of \$1,400,000. Engineering northward to Benning Road could move toward contract advertisement early in fiscal 1971.

*Center Leg of the inner loop.*—The center leg would continue in construction on its current schedule with previously authorized funds. An additional engineering contract for the center leg north of H Street could get underway during fiscal 1970. [pages 1093-1094]

### **The Nixon Administration Gets Involved**

On May 8, the Nixon Administration released a bill to finance the \$1 billion Federal share of the cost of Metro. The first installment of \$80 million would come on July 1 at the start of FY 1970. Assuming the release of all funds on hold, WMATA would have \$214 million available for construction. Subsequent payments would be as high as \$240 million a year.

This bill differed from the Johnson Administration's financing plan, which had been based on the sale of bonds to raise the funds, with the bonds to be retired with interest over a 30-year period. The proposal had raised objections in Congress where the plan would have bypassed the Senate and House Committees on Appropriations. By contrast, the Nixon plan called for payments from the general Treasury under normal congressional procedures, including annual hearings. This plan met the congressional jurisdiction concern and would save \$150 million in interest payments on the bonds.

The plan depended on approval by the House and Senate District Committees and approval by the House and Senate. After President Nixon approved the bill, the House and Senate Appropriations Committees would have to pass appropriations, followed by approval by both Houses of Congress and the President. The routine procedure did not take into account the

objections of Chairman Natcher who could block the plan by continuing to refuse to approve the District's matching share.

According to an unnamed official, the bill was based "on the optimistic assumption that there will be a subway here." [Grigg, William, "Nixon Seeking \$1.047 Billion For Subway," *The Evening Star*, May 8, 1969; Eisen, Jack, "Nixon Urges Cash Grants For Subway," *The Washington Post and Times Herald*, May 9, 1969]

In response to the concerns HUD had expressed in March about the planning process, the area's TPB adopted a policy statement on May 19 calling on member governments to submit plans well before adopting them. The resolution reflected concerns that NCPC and the city council had approved the Major Thoroughfare Plan without review by the area's planning group. The *Post* pointed out:

The newly adopted policy statement is advisory rather than mandatory. It states that early review of the plans will "resolve conflicts between local and regional objectives as early as possible" as well as facilitate the implementation of regionally consistent transportation programs." ["Transit Unit to Look At Road Plans Early," *The Washington Post and Times Herald*, May 20, 1969]

On May 20, 1969, Secretary Volpe appeared before the Subcommittee on Roads of the House Committee on Public Works, which was holding hearings on the Federal-Aid Highway and Highway Safety Programs. After introductory comments, Secretary Volpe said:

I am sure that you will agree with me that there is one thing that all of you are anxious for, I am extremely anxious for and President Nixon is extremely anxious for, and that is for real coordination and a reestablishment of that fine Federal-State partnership which existed for so many years and which over recent years, for whatever reasons, has seemed to be damaged to some extent at least.

And I can assure you [that] one of our primary tasks will be to reestablish this relationship.

With Federal Highway Administrator Turner, a career Federal highway official, "we can look forward to some real and genuine cooperation and understanding and real partnership between the Federal Government and State government.

His testimony covered many topics, not including the situation in the District of Columbia. However, during the question period, Chairman Kluczynski brought the subject up. He said Chairman Fallon and he wanted the District of Columbia to "become a model city – with mass transportation, our subways and also our roads. He hoped Secretary Volpe could "work something out." Secretary Volpe replied, as he had before:

Let me say to you, Mr. Chairman, that one of the things that not only amazed me, but shocked me when I returned to Washington, D.C. here about 4 months ago, was to find on the drawing boards some of the same plans that we had on the drawing boards over

12 years ago, that I had expected in most cases would have been already built.

But I found that they were in the same place on the drawing board. I can assure you,

Mr. Chairman, that it is our intention, and we have done, as you may know, a great deal of work, some of it behind the scenes – a great deal of it behind the scenes – in an effort to try to bring together the great maze of departments, agencies, boards, commissions,

et cetera, that have to pass judgment on and approve projects before they can be undertaken in this great Capital City of ours.

But regardless of the maze, I pledge you my untiring efforts and dedication in trying to bring about a resolution of this thing so that we can proceed not just with the subway system, which we all recognize is a very important project and one that is essential, but also with a completion of those facets of the highway system that also are very essential to the Nation's Capital.

Chairman Kluczynski thanked him, adding, “we spent over \$20 million over 20 years for planning and surveying. I think we have done enough planning and enough surveying. Let's get some action.” [Highway Legislation, Hearings Before the Subcommittee on Roads of the Committee on Public Works, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-9, 1969, pages 258, 275]

Talking with reporters after the hearing, Secretary Volpe said he thought the North-Central Freeway “definitely needs more study,” but that “the rest of the system is still sound and probably should be completed,” including the Three Sisters Bridge. A balanced system of freeways and subway was essential to the District's future and he pledged to work toward a solution. [Conconi, Charles, “Volpe Backs Most of D.C. Freeway Plan,” *The Evening Star*, May 20, 1969]

On May 21, the RLA signed a \$94,500 design contract for air rights development over the two-block pilot section of the Center Leg Freeway bounded by H and K Street and 2<sup>nd</sup> and 3<sup>rd</sup> Streets, NW. The concept called for 300 housing units on a concrete deck over the six-lane expressway. The original concept by Tippetts, Abnett, McCarthy and Stratton for three high-rise structures had been deemed too expensive at \$14.8 million. Tippetts, Abnett was the lead consultant on the new concept calling for 300 federally subsidized low-income homes, some in a single high-rise apartment and the others in two- and three-story structures, to be inhabited by families displaced by the highway. [Lewis, Robert J., “RLA Signs Contract for NW Freeway Air-Rights Design,” *The Evening Star*, May 24, 1969]

Chairman Natcher held his subcommittee's hearing for the public on May 22, with 24 witnesses scheduled to testify. As usual, citizens commented on many aspects of city life.

Chairman Terris of the District of Columbia Central Democratic Committee was the first to raise the freeway-subway impasse. He began by complaining that the need for the hearing was “extremely unfortunate”:

For what is occurring here today is a scandal. Community leaders in the Capital City of the greatest nation in the free world are forced to come to a body in which they have no representatives to beg for money for vital government services. We have to beg concerning how our own money, the money which we ourselves have paid in taxes to the District government, should be spent.

The result was that in years past, "Congress has slashed and ripped the District budget according to the whims of individual Congressmen."

He said the city "desperately needs a rapid transit system. There can be no excuse for holding the subway as a hostage to force the construction of freeways which District residents almost unanimously oppose." He described the referendum the committee had held during the May 1968 primaries in which participants voted "19 to 1 against the construction of freeways without a referendum on those freeways." The city needed the subway "whether or not more freeways are built; indeed the need is even greater without freeways."

As usual in the citizen hearings, Chairman Natcher did not comment on the substance of the testimony. All he said was, "Thank you, Mr. Terris. We appreciate you coming tonight." [District of Columbia Appropriations for 1970, Hearings Before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, part 2, pages 1530-1531, 1533]

C. J. Pasquariello of the Montgomery County Civic Association testified in support of continued development of the regional rail rapid transit system. He emphasized that, "lest we be accused of being caught up in the rampant emotionalism surrounding this issue, that we are not an anti-freeway group." They supported the Major Thoroughfare Plan adopted in December 1968. They also agreed with "every planning agency, civic group, and local jurisdiction" that rail rapid transit was "long overdue, and that the positive steps taken within the last year toward its realization must be continued vigorously if not accelerated." Citizens and suburban governments had "without exception overwhelmingly demonstrated their financial commitment to the transit system." He urged the committee "to recommend rapid appropriation action by the Congress" for the transit funds. [pages 1533-1534]

Ramsay Wood of the Montgomery County Citizens Planning Association recommended "release of the District's share of funds for work on the rapid rail transit system." The entire area needed rail rapid transit, but the surrounding counties "will not get it, of course, until it is operating in Washington":

Delay in starting on the downtown section naturally means delay in getting out to the suburbs where our need increases daily.

There is nothing we can do to change that.

Indeed, we have done all you have asked us to do in the past decade to get rapid rail access to Washington.

They gathered support, entered into a compact, agreed on routes, and provided each jurisdiction's contribution to the cost via referendums:

We think it is a shame that work cannot go ahead to the extent of funds already appropriated on a system that will do so much to increase the efficiency and comfort of movement in the metropolitan area.

An early start on the system was vitally important. "We hope you will release these funds as soon as possible." [page 1552]

Wilton H. Dickerson, chairman of the Metropolitan Council of Citizens, submitted a statement in support of the area's transportation needs. The planned system "of rail rapid transit [and] freeways and parkways" should be completed as soon as possible. Any elements in question "should be carefully studied as to location and design with full consideration given to social, economic and aesthetic impact." Planned elements that were not in question "should be constructed and placed in service without further delay. [pages 1558-1559]

Joseph D. Galligan submitted a statement on behalf of the Michigan Park Citizens' Association in opposition to "the illegal North Central Freeway." He listed several schools that would be located near the proposed freeways and "would be subjected to very serious air pollution and excessive noise from the continual flow of traffic involved." The "illegal freeway" would sever the successfully integrated Brookland and Michigan Park communities. He listed the community facilities that would be lost, adding:

Incidentally, may I call your attention to the demolition of the Tayler [sic] Street Bridge located over the B. & O. Railroad tracks. This bridge was destroyed while the citizens of Washington were anxiously awaiting a freeway decision by the U.S. Court of Appeals. The court said that the freeway program [should] be stopped. Now the residents in the area have no satisfactory outlet to [the] western section of the city. Over \$1,300,000 has been contracted for this bridge.

The North-Central Freeway would remove about 287 properties, as well as businesses, from the District's tax rolls. With the city in a revenue crunch, "the overall cost of the District of Columbia freeway program is some \$800 million." Now was "a most inopportune time" to continue building the freeways. He suggested instead using the existing railroad tracks for rail rapid transit:

This would serve the suburban area at a greatly reduced expense to the taxpayer. Even if a subsidy should be proved to be necessary the total outlay would be much smaller than would be required to implement the construction of the proposed North Central Freeway. [pages 1565-1566]

The Fairfax County Federation of Citizens Associations and Fairfax County Federation of Citizens Associations also submitted statements in support of early construction of rail rapid transit. [pages 1567-1568]



In early June, the *Star* and *Post* reported that Secretary Volpe had been meeting with Chairmen Fallon and Kluczynski, and Representative Cramer of the House Public Works Committee in search of a solution to the impasse. On June 7, the *Star* explained that Chairman Fallon had confirmed the meetings, but said the situation was still in a “stalemate,” with Congress waiting for the District to begin construction of the freeways before providing funds for the subway. “Fallon’s comments, however, did not rule out the impression that Volpe has proposed a compromise that committee members now are studying.” The chairman added that he and other committee members still opposed the resale of properties acquired for the North-Central Freeway.

The *Star* summarized the talks:

Initially, according to a suburban congressman not directly involved in the meetings, Volpe had hoped to get the subway funds released on the basis of his own and President Nixon’s pledge to work for freeway construction. But the congressmen involved have felt that they and the District must follow the general outline of 1968 legislation requirement that the freeway system be completed.

In a telephone interview from Chicago that same morning, Chairman Kluczynski told listeners of WMAL radio that key Members of Congress and Secretary Volpe had agreed to a plan. Congress would add the \$19 million withheld thus far from the subway to a supplemental appropriations bill. In exchange, the District would begin construction of the Three Sisters Bridge as soon as possible. Secretary Volpe pledged to seek an acceptable route for the North Central Freeway. As for the city’s desire to sell properties purchased for the North Central Freeway, he said, “Volpe says he would work it out somehow.” The chairman said that “before the end of the year, we’re going to get started on D.C. highways and the Three Sisters Bridge.

The agreement surprised city officials. Deputy Mayor Fletcher said, “I know nothing about it.” He pointed out that in a recent meeting, he and Mayor Washington had told White House urban affairs aide Moynihan that they would not overrule the city council’s decisions on the freeway network.

Chairman Hahn was skeptical when told of the agreement, as the *Post* reported:

Noting flatly that his own opposition to the bridge and the North Central Freeway “has not changed,” Hahn said he had no reason to believe that Mayor Walter E. Washington was contemplating a change in the city’s highway plan.”

. . . Hahn said that since Deputy Mayor Thomas W. Fletcher “continues to assure me that no change is being sought by the Mayor in the highway plan, it would appear that there is no plan to build either the bridge or the North Central Freeway.”

Under the Federal Highway Act, “no contract to build the Three Sisters Bridge can be let by the Mayor . . . unless the D.C. City Council and the Planning Commission change the highway plan,” he continued. Both projects were rejected in the plan.

The Council chairman added that to the best of his knowledge, no Council member is “entertaining any compromise.”

Congressional support for the plan to end the stalemate may have hinged on the Nixon Administration’s support. The new city council members appointed since President Nixon took office might be the key to reversing the December 1968 vote in support of the Major Thoroughfare Plan. [Grigg, William, “Volpe Action on Deadlock,” *The Evening Star*, June 6, 1969; Grigg, William, “Congressmen Map End to Stalemate on D.C. Freeways,” *The Evening Star*, June 7, 1969; Asher, Robert L., “Hahn Dubious on Roads Pact,” *The Washington Post and Times Herald*, June 8, 1969; Asher, Robert L., “Highway Program Set, Says Committee Head,” *The Washington Post and Times Herald*, June 6, 1969]

### **Advancing Metro**

On June 11 and 12, a joint panel of the House and Senate District Committees held hearings on the Administration’s proposal for financing the proposed 97.7-mile Washington Metro system. Senator Tydings and Representative Fuqua were the co-chairs.

Chairman Tydings opened the hearings with a challenge:

It has taken nearly a decade for the rapid transit system to come this close to construction. These past 10 years have been well spent in planning and engineering studies and in securing the approval of local jurisdictions. It is now incumbent upon us to translate the idea into reality without further delay.

He commented on the delay in construction, which “costs another \$90 million” each year:

The present freeway-subway impasse must be broken. Further delay may well cause the entire rapid mass transit plan to collapse or be delayed many, many years. I am convinced that decisive action by the Secretary of Transportation is the critical element necessary to permit us to move forward. I have so advised the Secretary.

He was encouraged by recent events to think “we may be on the verge of being able to go forward with the rapid transit system as part of a balanced transportation program for the National Capital area.” He added:

The hour is late. The need is enormous. Washington’s subway system cannot be put off any longer. [Financing Subway System for National Capital Region,” Joint Hearings Before the Committee on the District of Columbia of the United States Senate and Subcommittee No. 4 of the Committee on the District of Columbia, U.S. House of Representatives, 91<sup>st</sup> congress, 1<sup>st</sup> Session on S. 2185 and H.R. 11193, June 10-11, 1969, pages 1-2]

Chairman Fuqua, in his brief opening statement, discussed Chairman Whitener’s and Chairman McMillan’s success in securing approval of the bobtail system in 1965. He cited the regional compact leading to WMATA. He added, “The regional organization provided is now anxious to proceed with the continuation of this system.” [pages 17-18]

Representative Broyhill also offered an opening statement on what he considered “one of our most vexing area problems facing the Congress.” Over the years, Congress had repeatedly recognized the need for rail rapid transit in the area and its willingness to partner with area communities in this work. He briefly traced its history to the mid-1950s with congressional and community support throughout. Each jurisdiction had provided the bonding authority needed for its part, but “unless Congress does its part we are not going to have any solution to the transportation dilemma facing this area. There is no other answer to the problem.”

The area needed a rail rapid transit system that was “convenient, economical, attractive, and comfortable.” However, it also needed freeways:

I regret, and I know that you do, that we have this needless delay in moving along with the construction of our highways and freeways, as well as the first leg of this transportation system. The solution to the problem has been delayed long enough . . . .

I think that this legislation we have before us is the final step in this long, rocky road to really solving the most complex problem that we have in this area. [pages 18-19]

As the first witnesses, Under Secretary of Transportation James M. Beggs and J. Thomas Tidd, legal counsel, represented the Department of Transportation. Beggs, a businessman who was born in Pittsburgh, said the department’s interest in this issue stemmed from its role in developing national transportation policies and programs, its responsibility for channeling the Federal contribution to WMATA, and the fact that its tenancy in southwest Washington made it a user of transportation services. Further:

A major task confronting our Nation is the rehabilitation of its urban areas as desirable places to live and work. One of the essential ingredients in any rehabilitation effort is the development of efficient and economical public transportation systems.

Our cities are rapidly approaching a state of transportation strangulation. The suburbanites who make their living at jobs in the center city are wasting millions of man-hours in the traffic jams that accompany their trips to and from the office every working day. The disadvantaged who live in the central city, and who have seen their job opportunities move to the suburbs, are left with no efficient means of reaching their job opportunities except at prices they cannot afford.

The proposed Federal contribution to Metro was “a sound investment.” He quoted President Nixon’s observation that Metro would “facilitate the free flow of resources and labor, and would benefit all eight jurisdictions involved . . . .”

After discussing the bill, he said, “I believe it imperative that the Congress act promptly to authorize the funds requested in S. 2185 and H.R. 11193.” [pages 19-21]

Mayor Washington testified in support of the Administration bill, which he said was “designed to allow the construction of the system within the earliest practicable time frame”:

Its enactment will provide the required authority, the encouragement, and the means of carrying out the long-sought goal of the Congress, the desire of the President, the needs of the District, and the hopes of the metropolitan community for the realization of a modern and efficient mass transit system as a vital element of an effective transportation system in the national Capital area. [pages 27-30]

WMATA Chairman Babson, with General Graham, argued that the long, hard work of all concerned bodies in reaching the point of construction was in danger:

The whole project has taken two decades of active work to assemble. If the Congress does not approve it this year, it will fall apart – and it will take two more decades to restore it to this posture. [pages 42-43; Babson’s lengthy statement for the record is on pages 36-41]

Representative Broyhill asked whether congressional failure to approve the bill would mean that “the mass transit system in the metropolitan area would be practically impossible?” Babson agreed “it would be dead for some years to come”:

Because we have these agreements with the localities already signed by five of the seven, in the process of being negotiated and signed by the other two jurisdictions, and it is based on this intricate financial program and plan whereby each jurisdiction is coming up with its fair share, and with escalation hitting us at the rate of \$250,000 a day, in a few months, if we do not get started within a very short time, the escalation factor alone will have overtaken us and these financial agreements, legal agreements between all of these jurisdictions, will be meaningless.

You will have to start all over and go back again and eventually you will have to go back to the voters for more bond issues, and they will say why do you need more, we voted for \$62 million last year or 2 years ago, and you have not done anything with that.

Representative Broyhill asked General Graham if the bobtail system would function efficiently without its suburban extensions. General Graham replied that the bobtail system would benefit primarily residents of the District, “but I feel that the far more severe problems lie with the suburbs, getting the people from where they live in the suburbs to where they work and in turn getting people who live in the District out to the suburbs for jobs out there”:

All of our studies indicate that at this stage, it really would be foolish not to build a truly metropolitan system. This is not the District of Columbia here, this is the Nation’s Capital. It is really all one entity. The problems of the people are an entity. [pages 60-61]

Representative Andrew Jacobs, Jr. (D-In.), whose 11<sup>th</sup> congressional district was based in Indianapolis, asked if construction of the full Metro system would take care of the freeway problem. General Graham said all of WMATA’s projections were based “on an assumption of completion of the minimum freeway program that has been planned for many years.”

Representative Jacobs suggested that if the freeway program were not expanded, people might find it more convenient to use the transit network. “People seem tired of the so-called suburban Grand Prix, riding on the highways and traffic jams.” General Graham said the rail rapid transit system would not be adequate by itself to replace the planned freeway network.

Had any thought been given to expanding Metro to replace the freeways? “We have not considered this. Our assumption has been the highway program would be completed.”

What about the mathematics of transportation? An automobile takes up 18 to 20 feet and is 6 to 7 feet wide, while a couple of seats on a transit vehicle take up a fraction of the space. “It might be wise,” Representative Jacobs said, “to let the people of the country know what the marginal cost might be to expand the facilities of the subway system in order to save the millions and millions of dollars for an inefficient means of commuter transportation – highways.”

General Graham thought people needed the options of a balanced transportation system. “We feel the people of the area need a choice of systems, and highways are needed as well as rail rapid transit.”

Representative Jacobs realized he was suggesting “things that never were, and asking why not,” but he thought “an imaginative study should be made on this question.” Chairman Babson said that he and General Graham did not disagree with the Congressman’s premise. “The difficulty is we are operating under something of a mandate from the Congress,” which created the framework for the transit system and is on record “favoring the freeway program in this region”:

And for this reason, we really had no right to go beyond this and assume no freeways, and no bridges. And I think it would have been subjected to severe criticism had we used the taxpayers’ money and congressionally appropriated money and studied something beyond the ideas and mandate of Congress.

Representative Jacobs said he did not mean to criticize WMATA for carrying out its duties as stated by law. “I would only point out that Congress is also on record as being in favor of the Vietnam war, and even the Congress in all of its wisdom can make errors from time to time.” The votes in support of transit bond referendums indicated that people were “sick and tired of getting sick of breathing carbon monoxide and taking an hour and 15 minutes or an hour and a half to get into town, when they could get here in 10 or 15 minutes on mass transit.” He wished Congress “would read those results and put them into law and make some commonsense [sic] out of our transportation situation.” [pages 64-65]

Representative Harsha cited the planned Federal contribution of \$1.047 billion. “Are you going to have to come back at a subsequent date and ask for additional money?” Chairman Babson did not expect to do so:

We think we have devised a realistic plan and program, which assumes escalation, and which has a contingency feature, which we think is not unreasonable, of 10 percent construction cost [sic]. And we do have a continuing cost-control program which already has enabled us to affect [sic] \$88 million in reductions in the planned system, just in the

past year. This value-engineering program will continue and we think we have a solid plan which we can live with, build a system within, if we can start very, very promptly.

Representative Harsha asked what “very promptly” meant. Babson replied, “We would like to start building 75 days from today. We feel it is essential that we start building before the end of the year.” [page 67]

On June 11, Deputy Director Hughes of the Bureau of the Budget, was the first witness. He told the joint committee that President Nixon had assigned “a very high priority” to the full Metro plan. He explained the financing plan for the 97.7-mile regional system:

The total project cost of \$2.5 billion would be partially funded by \$835 million from the sale by the Transit Authority of revenue bonds supported by fare box receipts. The remaining net project cost of \$1,721 million would share on a  $\frac{2}{3}$ - $\frac{1}{3}$  matching basis between the Federal and local governments. This  $\frac{2}{3}$ - $\frac{1}{3}$  matching basis extends the existing formula for the currently authorized basic system which was patterned after the sharing arrangement used in the national urban mass transportation program. This ratio would require capital grants in the aggregate amounts of \$1,147 million from the Federal Government and \$573.5 million in total from the suburban jurisdictions in Maryland and Virginia, and from the District of Columbia.

The Federal contributions would be made to WMATA over the 11-year Metro construction period. The Federal share included \$100 million the National Capital Transportation Act of 1965 had authorized.

Further, “\$609 million would eventually be returned to the Federal Government as its pro rata share of the future excess revenues which must initially be held in reserve to meet the debt service ratios required for the sale of revenue bonds.” The repayment would be made over 50 years without payment of interest. “If this estimate for repayment to the United States is taken into account, the net increase for the Federal share above the amount already authorized by the Congress would be \$438 million.”

The Administration bill authorized the District to make matching payments totaling \$216.5 million. Because the 1965 Act had authorized \$50 million in District funds, the remaining District contribution would be \$166.5 million. [pages 69-73]

After listening to Hughes read his opening statement, Representative Harsha asked if the financial plan covered the entire budget. “Do you anticipate having to come back later and ask the Congress for more money.” Hughes replies, “No, sir; we certainly do not”:

The estimates, contrary to some other estimates in other areas, have been developed rather carefully over a long period of years, with rather thorough consultation, not only within the District of Columbia government, the Washington Metropolitan Area Transit Authority, and the Federal Government in general, but with highly qualified private consultants and industry sources, and we have a great deal of confidence in the reliability of these estimates.

Representative Harsha next asked how President Nixon's support for Metro squared with his recently announced policy of reducing Federal budget expenditures. Hughes replied:

I think that question is both an appropriate and very difficult one. In very brief terms, I think the answer is that in our judgment the priorities of the times, the essential national needs, as we appraise them, are such that this kind of project in the National Capital Area comes up very high on the priority list.

We recognize that within some broad limits, choices must be made as between those kinds of projects and other potential Federal activities, but I think it is quite clear that in the District of Columbia and the Washington metropolitan area, as well as in other major cities of the Nation, the adequacy or inadequacy, rather, of urban transportation has been a very important consideration in meeting employment and general living requirements.

I think the Watts area is one wherein transportation difficulties clearly contributed very substantially to the problem there.

These kinds of consideration have led us and obviously have led the President, as well as the Congress, to move this project very high on the priorities.

If one of the jurisdictions decided not to pay its share of the project cost, Representative Harsha asked, was the Federal Government then "bound to go ahead and contribute?" Hughes replied, "That is correct, Mr. Harsha." The bill was designed to operate "in consonance with a plan that has been developed rather carefully by the authority" on a contract-by-contract, year-by-year basis.

Representative Harsha asked if Hughes had any insights into the stalemate in securing an appropriation for the District's share of costs. Hughes was aware of the problem, and that the pending supplemental appropriations bill included the \$18.7 million in District matching funds, but he did not have any current information:

The problem is one of reaching agreement as to appropriate balance among transportation systems, and we would be pleased to contribute anything that we could toward resolving this problem. But I think that is the problem, and I think it is not unfair to say, at the moment anyway, that the ball is in the Congress' court. [pages 74-78]

Senator Tydings picked up on the subject. "What is the relationship between the funds being requested in the \$18.7 million supplemental appropriation that is now before the Senate Appropriations Committee, and the funds already appropriated or authorized in the last fiscal year for the construction?"

The District, Hughes replied, needed \$18.7 million to match \$37 million Federal funds:

The controversy here, the difficulty, as I understand it, involves the desirable relationship of the rail rapid transit system and the District of Columbia highway system, and the resolution of the controversy that has surrounded the plans for the construction of the District of Columbia Highway System . . . .

The Federal funds have been appropriated previously, but the language – I am not sure whether it is statute or report language – in effect says withhold the Federal funds until the District’s share is available to proceed with the construction. [pages 80-81]

Although the testimony revealed some uncertainty about the status of the District matching funds, the District subcommittee of the Senate Appropriations Committee had included \$18.7 million for the District matching funds in the Second Supplemental Appropriations Act for overall government operations. Combined with \$37.4 million in approved Federal funds that could not be spent until the District had authority to pay the matching share, WMATA would have \$56.1 million to get construction started. Because of the matching requirement, WMATA could not begin construction without the District funds. Of course, inclusion of the funds in the final bill would depend on Chairman Natcher.

Jack Eisen reported:

Sen. Robert C. Byrd (D-W.Va.), whose subcommittee on supplemental appropriations recommended the action . . . did not sound, however, like he would be willing to make a major issue of the subway fund if Rep. William H. Hatcher (D-Ky.) maintains his refusal to consider it.

It was learned, however, that Byrd put up a stiff fight within his subcommittee to win support for transit money . . . .

Byrd, noting that he agrees generally with Natcher’s support of a “balanced” transportation system of roads and rails, said his decision to restore the funds was not the product of any negotiations.

“Nobody got me,” he declared. [Eisen, Jack, “President Pushes Subway,” *The Washington Post and Times Herald*, June 12, 1969]

### **How To Break An Impasse**

*Star* editors were encouraged by the joint hearings and inclusion of the matching funds in the Senate’s supplemental appropriations bill:

All of a sudden, the long, bleak deadlock which has paralyzed Washington’s rail transit and freeway programs has been cracked, at least, by a flurry of encouraging activity.

In addition to the hearings on the Administration bill and inclusion of the matching funds in the appropriations act, the editors referred to:

And most important of all, members of both the House and Senate spoke optimistically of a firm decision on the city’s controversial freeway program which would end this foolish dispute once and for all.



The editors joined with Senator Tydings in hoping “that an acceptable settlement to the highway dispute has been negotiated by Secretary of Transportation John A. Volpe.” Whether that was true, no one but Secretary Volpe could say, and “thus far the secretary has said nothing at all.”

All the editors could do was report hints from sources. But they hoped that when the Senate’s supplemental appropriations act went to conference with the House, “Natcher will relent, and free the transit funds”:

The stakes are too big, however, to rest on hopes. The required solution is the firm, final decision on a balanced program of freeways and transit which has been promised by Secretary Volpe. He has very little time left to produce it. [“Volpe’s Silence,” *The Evening Star*, June 12, 1969]

Volpe had been in Europe on business, but when he returned, a *Star* reporter, William Grigg, was waiting for him at the airport. In response to a question, Secretary Volpe confirmed his involvement. “I have been working on it for three months,” he told Grigg, but when asked for details, said, “I’m not going to spoil [the negotiations] now.” He said he had a general plan in mind before he went to Europe.

Asked if he would meet with Chairman Natcher, Secretary Volpe replied that he did not know. He wanted to hear from his subordinates on developments while he was out of the country.

Grigg summarized the situation:

According to Rep. John C. Kluczynski . . . the plan Volpe developed requires Senate restoration of the delayed funds to start subway construction, followed by a concession to Congress that the Three Sisters Bridge (upriver from Georgetown) and related projects would be built.

The most controversial section of the freeway system – the North-Central freeway to Maryland, which has been vigorously opposed by neighborhood groups – would be left in the limbo of “further study.”

The Senate Appropriations Committee had taken the first step by including the District matching funds in the supplemental appropriations act:

But Sen. Robert C. Byrd . . . has warned that the subway funds could easily be dropped before the final supplemental appropriations bill to which they are attached clears Congress.

Byrd said, in fact, that the funds probably would be dropped if Natcher . . . is not satisfied by progress or pledges of progress on the stalled freeway system. [Grigg, William, “Volpe Confirms Role In D.C. Subway Fight,” *The Evening Star*, June 13, 1969]

On June 17, Secretary Volpe talked with reporters about his involvement, indicating that he had renewed his personal efforts to break the deadlock in hopes of securing release of the District matching funds for Metro after Deputy Mayor Fletcher’s efforts had collapsed. He was pleased

that the Senate Appropriations Committee had included an appropriation for the matching funds in its Second Supplemental Appropriations Act, 1969, for the Federal Government, but thus far he had not secured approval through his outreach to the House. Jack Eisen summarized:

In his initial contacts on Capitol Hill, Volpe is reported to have asked Natcher and other key House members to free the subway money and trust him to get the roads built.

Volpe told newsmen yesterday, he was “not able to accomplish what I set out to do.” He emphasized the delicacy of negotiations and said a public discussion of details would make his task harder.

“I never give up hope in trying to solve something I believe is essential,” Volpe said. “I will continue to work on it.”

Volpe said he has met with small groups of lawmakers as well as individual Congressmen. Likewise, he said he has met with city officials and members of the City Council.

He said that “essential highway and bridge projects” would be part of the final package:

He disclosed that he has asked his staff “for a complete updating of the statistics on the Three Sisters Bridge,” perhaps the most controversial of the stalled projects.

There was no indication that this request necessarily reopened the question of whether the Georgetown-to-Arlington crossing should be built.

He expressed the hope that “responsible officials, both elected and appointed, will be able to come up with ways and means to go ahead” with the balanced transportation system. [Eisen, Jack, “Volpe Renews Efforts On Subway Impasse,” *The Washington Post and Times Herald*, June 18, 1969; Grigg, William, “Early Freeway Accord Vital, Tydings Asserts,” *The Evening Star*, June 18, 1969; “Transit in Trouble,” *The Evening Star*, June 20, 1969]

The House of Representatives had approved the supplemental appropriations act on May 21 without including the District subway matching funds. During Senate debate on June 18, Chairman Tydings defended the \$18.7 million in the Senate bill for the subway. He mentioned the “extraordinary joint hearings” the House and Senate District Committees had conducted a week earlier on the Nixon Administration’s plan for funding the Federal share of \$1.4 billion for Metro:

The rail transit system these funds will create will be a model for the entire Nation, will provide essential transportation for Federal employees and provide a vital link of the balanced transportation system Washington so desperately needs.

The appropriation in the supplemental bill was “the first step on the long journey to the completion of the subway system.” The journey already had “been too long delayed by differences which must be compromised to create a balanced transportation system for Washington.”

The sum of \$18.7 million in matching funds in the bill was the keystone to addressing “the transportation crisis facing the Washington metropolitan area.” As a result, “it is fair to say that this supplemental appropriation bill may prove to be the most important legislation Congress will enact in this session, perhaps in this entire decade, for the Washington metropolitan area.” [Progress on Washington’s Rapid Transit System, *Congressional Record-Senate*, June 18, 1969, pages 16457-16458]

The Senate approved the bill on June 19, with the matching funds for the District included, and asked for a conference with the House to resolve differences.

“In normal circumstances,” *Star* editors wrote, passage of the bill with the transit funds “would have been an occasion for celebration.” Unfortunately, no one had cause to celebrate. The proper response was “apprehension and concern” because “House members have served notice in terms clear enough for anyone to understand that there must first be a break in the senseless District-congressional impasse over highways.”

As Senator Tydings had warned, the time “left to fiddle around” was over, and as Senator Mathias had stated, resolution of the crisis was largely in the hands of District officials who, thus far, had refused “to make the slightest response to Congress’ valid demands that the transit and freeway programs proceed together to provide a reasonable balance of modern transportation facilities.” The District had “chosen the path of no negotiation at all beyond an unacceptable freeway plan endorsed by the council.” Whatever the justification for “this blind posture,” the loss of Metro was “not a price this city can afford.”

The editors wondered if President Nixon “has been fully apprised of this absurd situation, or of the grave, imminent peril to the transit system which he has so frequently cited as an absolute necessity to the growth and well-being of the Nation’s Capital.” Referring to Secretary Volpe’s hope that “responsible officials” would find a way to go forward, the editors concluded:

Where political irresponsibility is so prominently on display there is very little reason for any hope at this point, however, unless President Nixon takes a direct interest in the subject. The stakes are high enough to justify it. [“Transit in Trouble,” *The Evening Star*, June 20, 1969]

On Saturday, June 21, ECTC leaders and supporters arrived at 2732 10<sup>th</sup> Street, NE., to reopen one of the boarded up houses the District had acquired for the North-Central Freeway. Armed with brooms and garden implements, the 100 or so supporters, estimated as one-third white, protested what they called “confiscation” of 69 black-owned homes in what the *Post* described as a block consisting of “once tidy brick dwellings on a quiet, tree-shaded street.”

ECTC’s Booker had written to Mayor Washington to let the city know about the plan to reopen the houses. The letter stated “we can only conclude . . . that the city will not meet its responsibilities to the community where these 69 homes lie in shameful and wasteful deterioration”:

We can no longer permit the irresponsible decay of this attractive residential community, which is spreading and affecting an increasing land area in the adjacent neighborhoods.

For that reason, ECTC planned to “address this urgent issue by removing the boarding from these decaying residences.”

The crowd applauded as Booker and other speakers demanded “cleanup” and return of the homes to their original owners. The city’s attempt to curtail black home ownership represented a “brazen attempt to break black people’s political power, because black home ownership represents black political power in this community.”

With a crowbar, he removed the plywood over the front door and went in with about 25 people, including small children, carrying mops and brooms. They began cleaning the house.

Colonel Starobin, director of the city’s Department of General Services, ordered them to leave. Brief scuffles broke out as police ordered anyone who did not want to be arrested to leave the house. Booker, the Reverend John Mote of Brookland United Methodist Church, and Dr. Tom Rooney were arrested and charged with illegal entry. Abbott, who was not initially arrested, was charged with disorderly conduct after he tried to force his way into the police vehicle where the others were placed.

After the arrests, a dozen police officers stood on the front porch while supporters clipped hedges and cut the lawn. ECTC’s Cassell told the group that they would return the following Saturday to open the house next door. [Carter, Phillip D., “House Is ‘Reopened’ In Freeway Protest,” *The Washington Post and Times Herald*, June 22, 1969; Swanston, Walterene, “4 Arrested in NE Freeway Protest,” *The Evening Star*, June 22, 1969]

As part of the campaign to break the logjam, Secretary Volpe convinced President Nixon to take a 47-minute helicopter tour of the District’s morning rush hour on Tuesday, June 24. The Marine Corps helicopter lifted off from the White House lawn with the President, Secretary Volpe, Federal Highway Administrator Turner, Deputy Mayor Fletcher, City Council Chairman Hahn, and District Highway Director Airis. Two presidential aides were in the rear of the craft with newsmen: Moynihan and John D. Ehrlichman, counsel to the President.

Turner took the lead in conducting the tour, as described by Jack Eisen:

Turner was the chief guide. He noted such phenomena as the almost evenly balanced rush-hour flow of traffic into and out of Washington, such facilities as the new interchange at Telegraph Road and Duke Street in Alexandria “opened just three months ago” and such current projects as the widening of Shirley Highway.

Secretary Volpe had given President Nixon an area map “with a black-bound freeway map and statistical summary of bridge traffic” that rested on the President’s knees:

The figures, studied by the President just before landing, showed bridge traffic of 182,400 vehicles per day in 1950 had grown to 465,500 by last February.

Eisen also recorded the President's reactions:

One of the sites on yesterday's tour, viewed twice, was Three Sisters Islands, the small rock outcroppings in the Potomac River near Georgetown where the road builders want to erect a bridge. It has become the chief symbol of the seemingly endless dispute . . . .

The full itinerary included views of some routes whose twice-daily patterns of congestion became familiar to Mr. Nixon during his 15 earlier Washington years as a Government lawyer, congressman, senator, and Vice President.

"I used to drive out here," the President recalled as he peered down at the Seven Corners shopping center in Fairfax County, ringed in early morning by an empty expanse of asphalt parking lots. "There used to be nothing more than a country store."

Looking at lines of traffic inching across the Theodore Roosevelt and 14<sup>th</sup> Street bridges, Mr. Nixon asked, "Where are they going to park the cars?"

City Council Chairman Gilbert Hahn, Jr. shook his head in silent negative reply. Hahn has said publicly that he would like to curtail all-day parking in the city to induce more transit riding.

Mr. Nixon already was aware of the light use of transit. Observing a jam of automobiles on U.S. Rte. 50 east of Glebe Road in Arlington, he remarked: "Sure not many buses."

. . . Traffic somehow looked from the air to be lighter than it seems to a motorist on the ground, but several jams were seen. Perhaps the most massive were mile-long backups at the South Capitol Street and 11<sup>th</sup> Street bridges across the Anacostia River.

"Unless something is done to change the entire direction of planning in this city," Volpe told the President, "we're faced with some real, real problems."

The tour did not include the northern part of the District or the traffic from Montgomery County into the city. President Nixon had many opportunities to view highway operations, if he wished to, during his trips to Camp David.

Secretary Volpe told President Nixon that the subway should have gone to construction "not yesterday but three years ago."

After the helicopter returned to the White House at about 8:35 a.m., the President summed up the trip. "I'm glad that we don't have to drive to work."

Volpe told reporters that the President was "concerned that the subway funds have been held up for 1½ years," but the Secretary hoped "the differences will be worked out quickly." Referring to freeway opponents, he said, "They are conscientious but their objections don't take into consideration the facts of life."

Chairman Hahn said the tour “demonstrated graphically that we’ve got all the entrances into the city that we need.” It confirmed his view that the subway was more important than the Three Sisters Bridge or the other freeways. “A visual look at the very well-developed road system we have indicates to me we’ve reached a good stopping point.”

Deputy Mayor Fletcher said, “I feel the trip gave the President a very good picture of traffic in the metropolitan area. I don’t think it will lead to any decisions at this point, but it will prove useful to him.”

Later that day, in a meeting with Republican leaders at the White House, President Nixon talked about his tour. House Minority Leader Ford told reporters after the meeting that he thought Secretary Volpe would intensify his effort to “break the logjam” in the next couple of days. [Eisen, Jack, “Nixon Sees Traffic From Air, Says, ‘Glad We Don’t Drive,’” *The Washington Post and Times Herald*, June 25, 1969; Wright, Christopher, “Nixon Gets Air View Of D.C. Traffic Snarl,” *The Evening Star*, June 24, 1969]

(After winning election to the House of Representatives in 1946, Nixon and his family lived in the Park Fairfax Apartments at 3538 Gunston Road in Alexandria, Virginia, from March 1947 to early 1951. In 1951, the Nixons moved to 4801 Tilden Street, NW., near American University and not far from the Montgomery County line. In 1957, the Vice President and his family moved to 4308 Forest Lane, NW., in the Wesley Heights area. Glover-Archbold Park was to the rear of the home. The Nixons moved out in February 1961 when the family returned to California. [Source: E-mail, November 5, 2012, Richard Nixon Presidential Library, National Archives and Records Administration])

June 26 began on an optimistic note when Secretary Volpe released a letter signed 2 days earlier by Mayor Washington and Chairman Hahn. Secretary Volpe was “pleased to announce” the city’s “intention to proceed immediately” to complete 24.5 miles of freeways at a cost of about \$500 million:

- Potomac River Freeway from the Whitehurst Freeway to the Palisades;
- South Leg of the freeway from the Potomac River Freeway to 14<sup>th</sup> Street;
- Center Leg from the Southwest Freeway to New York Avenue;
- East Leg from Barney Circle to Bladensburg Road; and
- Industrial Highway parallel to New York Avenue.

The list did not include the Three Sisters Bridge or the North-Central Freeway.

The city also agreed to propose a final location for the North Leg of the Inner Loop Freeway.

The commitment was comparable to the Major Thoroughfare Plan that NCPC and the city council had approved in December.

In releasing the letter, Secretary Volpe gave the plan his unqualified approval. “This affirmative action by the city government . . . will complete much of the essential planned highway system for the area.” The city’s commitment to this work was “in the spirit of helping to resolve the

situation preventing release of funds needed for the beginning of the area's subway system." He added, "It is my conviction that this constructive step will help solve much of the transportation situation." He intended to "continue working with the concerned parties toward a complete solution." As a result, he hoped the House would "see fit to concur in the Senate action" on the District matching funds.

Chairman Hahn thought the city's letter should be enough to release the subway funds. "We're saying 'Here's a plan for freeways, now build them.'"

As city officials explained to reporters, Secretary Volpe's strategy was to create a bandwagon effect that would pressure Chairman Natcher to release the city's matching funds. President Nixon's helicopter tour was the first step, followed by release of the city's letter dated the same day as the trip.

Later that day, conferees on the Second Supplemental Act, 1969, dropped the \$18.7 million from the bill for the District's subway matching funds. Clearly, the city's actions did not persuade Chairman Natcher. Chairman George H. Mahon (D-Tx.) of the House Committee on Appropriations said the conferees "felt that decisions by officials were not sufficiently clear and final for us to proceed, so we knocked it out." Chairman Natcher, as usual, did not comment to reporters.

At the same time, Mayor Washington announced that the city would move to reopen the 69 homes in the North-Central Freeway corridor. Renovation would begin at 8 a.m. on June 27, starting at 2732 10<sup>th</sup> Street, NE., site of the protest the previous weekend. The District's Department of General Services would undertake the repair work. As an interim measure, the homes would be made available for rental by former owners, families recommended by local groups, and other displaced residents, in that order.

In addition, Mayor Washington asked the Department of Transportation for a legal opinion on the status of the homes. Because the city had used Interstate construction funds to pay 90 percent of the cost of acquisition, the future of the homes depended on Federal right-of-way law, which required resale to the highest bidder, not necessarily the former owner. The city was drafting legislation seeking congressional approval to allow former owners to acquire the homes.

Reaction to the day's events came from many sources. Representative Broyhill called the city's proposal "disgraceful." It was simply a restatement of the city's refusal to comply with the directive in the Federal-Aid Highway Act of 1968.

Former Vice Chairman Fauntroy, now affiliated with the Model Inner City Community Organization, said that citizen groups could "come up with solutions that don't even occur to the most dedicated officials." He called for citizens to join a "city-wide coalition," regardless of "their position on the freeway controversy," to find answers to the transportation impasse.

ECTC's Booker denounced the city's plan. "We oppose any segment of the so-called skeletal freeway system and we will fight it with the same energy we used to fight against the North-Central Freeway." [Jewell, David A., "Volpe Backs City's Plan To Start Freeway Work," *The*

*Washington Post and Times Herald*, June 26, 1969; Grigg, William, "Subway Funds Dropped Pending Freeway Move," *The Evening Star*, June 26, 1969; Asher, Robert L, and Moore, Irna, "Conferees Reject Subway Funds, City lack of Assurance on Freeway," *The Washington Post and Times Herald*, June 27, 1969]

*Star* editors cited "a double responsibility for the tragic, imminent loss" of the needed appropriation to begin subway construction. First, District officials "who seem determined to isolate this city from the remainder of the metropolitan community" were at fault. Their letter to Secretary Volpe "not only omitted the bridge project, but actually curtailed some aspects of an inadequate freeway plan endorsed by the City Council."

The Nixon Administration shared the blame because thus far, it had "been unable to shift the irresponsible position of these presidentially appointed local officials."

The House-Senate conference committee's reaction to the city's attempt to break the logjam was "immediate – and entirely predictable." Why, the editors wondered, did Secretary Volpe "imagine that the result might be otherwise"? He apparently thought the city's letter involved a significant concession that, along with his pledge to "continue to work" for a "complete solution," would be sufficient to change the outcome.

Chairman Hahn's action belied the hope that the House would take Secretary Volpe's assertions on faith. No sooner had Secretary Volpe issued his conciliatory announcement than "Hahn took pains to emphasize the he and Mayor Washington 'still reject' the bridge project" that Congress had mandated in the 1968 Act:

If the city government cannot be persuaded to yield to that mandate at this point, when the future of the vital transit program is at stake, it is hard to think of anything that might make it yield later.

On the theory that anything is possible, the House might change its position:

But that change, no matter how desirable, is extremely remote unless Secretary Volpe – or President Nixon who expressed his strong personal concern on Tuesday – moves immediately to unravel this mess.

Our guess is that little more would be required than a firm White House decision to proceed with the Three Sisters Bridge. At this moment, however, it is a botched job all around, with the prospects for a truly viable, balanced transportation system for the Capital left in greater jeopardy than ever.

*The Post* agreed. President Nixon's helicopter ride had been little more than "a public relations gimmick." He learned, if anything, little more than any commuter could have told him, namely that rush hour congestion "must be experienced to be believed." The city's letter was "not much more helpful," referring mainly to the less controversial elements of the freeway plan.



The House-Senate conferees' action was "something outrageous," but "commonplace" in the political world where Chairman Natcher and others are using "every ounce of political leverage they have for their particular political ends."

The city's letter reflected the fact that the anti-freeway forces had convinced city officials to make the Three Sisters Bridge "a symbol of who is winning the fight over freeways." Divested of that symbolism, the bridge "no doubt could stand on its own for its contribution to area transportation."

Capitol Hill had linked the freeways and subways, regardless of what anyone thought about the logic of doing so:

A politically acceptable package must be put together so that the subway money can be released. Secretary Volpe has had one whack at it without success. The President has shown us how to rise above our traffic jams; unless he means to offer us a helicopter for every garage, however, he must now get back down to the hard business of providing the political muscle to break the transportation impasse. ["The Transit Impasse," *The Evening Star*, June 27, 1969; "A Helicopter in Every Garage," *The Washington Post and Times Herald*, June 27, 1969]

Repair of the homes in the path of the North Central Freeway began on Friday, June 27, under Colonel Starobin's direction. He expected repairs of all 69 homes to be completed in 3 months at a cost of about \$200,000. As Mayor Washington said, "Our city's acute need for decent housing, especially three and four bedroom houses, requires that we make these houses available for occupancy as soon as possible."

One ECTC official said he considered Mayor Washington's decision to be a "political ploy." Nevertheless, the action defused plans for a second Saturday demonstration in the neighborhood.

As the *Star* pointed out, the action "could increase congressional antagonism and lessen chances for a subway construction start":

The move could well antagonize members of the House Public Works Committee and the House District Appropriations subcommittee who have wanted houses purchased for the North Central Freeway left empty while the District makes up its mind whether to build the project. They turned down the idea of disposing of the houses when it was suggested several weeks ago in a proposed compromise package on freeways and subways.

As for the Second Supplemental Appropriation Act, 1969, Chairman Mahon said the conference committee was still working on the details, but District issues were settled. The matching funds for the subway would not be included. ["D.C. Is Repairing for Rental 69 Homes in Freeway Path," *The Evening Star*, June 27, 1969; "Condemned Homes Repaired," *The Washington Post and Times Herald*, June 28, 1969; "D.C. Averts Clash By Opening House In NE to Citizens," *The Sunday Star*, June 29, 1969]

The chairman of the District Republican Committee asked area congressmen to try to restore the subway funds to the supplemental. Edmund E. Pendleton, Jr., considered rejection of the funds a

“dangerous and unwise game.” The city’s letter to Secretary Volpe provided a strong enough commitment to warrant restoration of the funds:

If a half-billion dollars isn’t meaningful, what is? For Mr. Natcher to say “no” to this evidence of intent is beginning to look a little pale.

Pendleton said that for Chairman Natcher, the subway-freeway impasse was “a personal thing . . . killing the subway rather than solving the problem.”

Area congressmen, he said, should challenge the conference report on the supplemental bill when it reached the House and Senate floors for a vote. They should ask why the bill dropped the subway matching funds. The goal should be to convince their colleagues to restore the funds or return the bill for further work. [Asher, Robert L., “City GOP Chief Says Subways Cut ‘Unwise,’” *The Washington Post and Times Herald*, June 28, 1969; “City GOP Chief Issues Plea for Subway Funds,” *The Evening Star*, June 28, 1969]

Director Airis appeared on July 8 before the Senate’s District Subcommittee of the Committee on Appropriations, chaired by Senator Proxmire. After going through the department’s needs, Airis concluded:

I shall close my statement, sir, by pointing out that hopefully we will soon have a resolution of the freeway problem and that we will be able to proceed with a whole balanced transportation system that so long has been planned for the District.

Chairman Proxmire said he was “delighted to see that you are emphasizing, trying to get some of the cars off the street.” He explained:

One of the difficulties is that we build these very, very elaborate and expensive highways and they seem to fill up. The more we build, the more cars you have, the more congestion you have and the more problem[s] you have for the city.

According to studies he had seen, cars were responsible for about 60 percent of land in some cities, counting streets, parking lots, and parking spaces. He preferred “to emphasize making mass transportation available in the form of buses.”

Chairman Proxmire recalled an announcement recently “that the District would proceed with its highway construction” and wanted to know how that decision would affect the city’s budget. Airis started to respond that the city was proceeding with its usual quarterly apportionment, but the chairman interrupted:

Senator Proxmire. No, we are talking about the announcement that followed the President’s flight over the city and Mr. Volpe’s observations at that time.

Mr. Airis. I don’t think that carried funding with it. They just indicated generally that they hoped to be able to go ahead with the full program that has been talked about, and planned here for the last 20 years, sir.

After discussing other subjects, Chairman Proxmire returned to the Interstate freeways, asking Airis what progress had been made in the past year. Airis cited construction of the Center Leg Freeway past the Capitol to Massachusetts Avenue. Construction had not begun on the section between Massachusetts and New York Avenues. "It is awaiting a RLA housing project that is to be built over the freeway." The city was awaiting details of the air rights housing projects.

Chairman Proxmire asked how much of the Interstate program the District had completed. Airis replied that 10 miles of the 29-mile network had been completed, with another 5 miles under construction.

Asked where the District ranked among the States on its Interstate program, Airis said it was next to last, behind Delaware and just above Maryland. He explained why:

One is the multiplicity of planning agencies in the District area, and second is the fact that this is an entirely urban area. In all urban areas at the present time, it is extremely difficult to build public works of all types. That is it in a nutshell. [District of Columbia Appropriations for Fiscal Year 1970, H.R. 14916, Hearings, Subcommittee of the Committee on Appropriations, United State Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, pages 1106-1107, 1117]

The following day, July 9, WMATA appeared before the subcommittee. The delegation consisted of Chairman Babson, General Graham, Executive Officer Schuyler Lowe, and Prince George's County Commissioner Gladys Noon Spellman who was chairman of the Washington Suburban Transit Commission. Babson summarized the history of WMATA and the support for rail rapid transit as reflected in official support and the November 1968 votes for transit bond issues:

We have worked at this long and hard. We have even obtained a benefit-cost analysis to justify our proposed regional system, and it shows a 3.2-to-1 ratio of benefits; quantifiable benefits. And there are a number of so-called nonquantifiable benefits which readily, I think appeal to the mind as being real benefits.

WMATA had approved a final plan for the regional system in February 1969. "We have obtained the agreements in writing from all of the subdivisions, political subdivisions in the area to bind themselves to contribute large amounts, millions of dollars of money":

That is where we are today, Mr. Chairman. We stand ready to begin construction of the system immediately if Congress will release the funds. We have the final design work on some \$60 million worth of projects on which we could let contracts in 75 days. [pages 1179-1180]

After introduction of Babson's lengthy prepared statement, Spellman expressed Maryland's support for the plan:

We are enormously concerned at this moment about the construction stalemate. This is going to be terribly costly to us in the local governments, to the Federal Government, and

we feel that somehow, someway, we must find a method of getting this off center and allowing us to proceed.

She worried that, “folks who are the obstructionists who really did not want a transit system in the first place who now see an opportunity to create problems, who are going to be working with our legislature trying to get them to say, well, now, this is going to cost more than \$88 million that our county has budgeted, and therefore we will have to change the bonding authority.” She and other supporters felt “a great sense of uplift” when the Senate included the District matching funds in the Second Supplemental Appropriations Act, 1969:

And we are really hopeful that a solution to the current highway impasse will soon be found. You know we need those highways, but we need the subway system. And to say we will have nothing is just wrong. We have somehow got to get this moving.

She encouraged the subcommittee to “maintain the position of leadership” it had shown on the issue. [pages 1184-1185]

General Graham confirmed that WMATA was ready for construction:

We are prepared to move rapidly forward on a construction program which would see the first operational trains by the end of 1972 . . . . We are ready to break ground early in this fiscal year. We have been ready for about a year. And once we have the authorization to go ahead we will let eight major construction contracts in very quick succession.

The first contract, for section B-1, would be for a cut and cover project running from Judiciary Square westward to 10<sup>th</sup> and G Streets. This section included the Judiciary Square and Gallery Place stations.

He went through the phases of construction based on authorization to proceed in the near future:

The final segments will be completed and operational by December 1979 from Chillum to Greenbelt station, from north of Silver Spring to Glenmont, from Kenilworth to Addison Road, from Telegraph Road yard to Backlick Road, and the Franconia route.

An extension to Dulles International Airport was planned for construction after 1980.

General Graham summarized:

In summary, Mr. Chairman, we have reached the point where with the continued support of the Congress this rapid transit can soon be a reality. We feel that the local governments have lived up to their responsibilities under the compact; the President has endorsed the transit objective as a part of his program to enhance the Capital City. We are ready to move ahead and we are here today to seek your assistance in the realization of that objective. [pages 1185-1189]

Chairman Proxmire, General Graham, and Chairman Babson discussed a comparison of the Washington area’s plans with those for the Bay Area Rapid Transit System (BART) in

California. Chairman Proxmire asked why the Federal Government was paying 10 percent of construction costs for BART line but almost half the cost of rail rapid transit in the Washington area. Babson replied:

The justification is that Congress has already recognized their obligation to the National Capital area. And if I may, a couple of weeks ago I was in Chicago meeting with the directors of the National Institute for Rapid Transit, and in speaking with the members [that] are representing Boston, San Francisco, Chicago, the whole Nation, all of North America, really, Toronto, every one of those gentlemen thought that Washington is in a different position and no one argues but that the Congress owes a special obligation to the National Capital area.

Chairman Proxmire understood that special obligation, but wondered if it equaled five times as much as for the rest of the country. Babson denied it was 5-to-1. "The urban mass transportation program which has been in being since 1964 provides for the same 2-to-1 Federal-local cost sharing as we provide for in our system." He also pointed out that BART and the Washington system were different. BART at that time was a single line into San Francisco. "We are trying to feed people into the downtown Washington area from 10 different termini on this system." Further, as General Graham added, WMATA planned to begin running trains as soon as a segment was available, while BART planned to open only after the entire line was completed.

Chairman Proxmire thought the estimated cost of \$2.5 billion "is probably very modest." He expected the system would cost "a lot more than that." General Graham assured him:

We feel it is a conservative estimate, sir, because we have cranked into it amounts for escalation for each year of construction and for contingencies, and our assumptions on that are higher than were used in San Francisco.

If WMATA held to that estimate, Chairman Proxmire said, "you deserve a medal." [pages 1190-1192]

General Graham recalled Deputy Director Hughes' recent testimony on the Nixon Administration's bill for financing the 97.7-mile system. The cost of the WMATA plan was a small part of the overall annual Federal public works expenditures because it would be stretched over 10 years at about \$200 million a year.

Chairman Proxmire, who was building a reputation as an enemy of government waste, replied:

I realize that. I voted against the . . . entire public works bill in each of the last 2 years. I was the only Senator who did, because I think it is so inflationary. I realize this is a small part of it, but the whole public works expenditure in this country is now at a level of over \$10 billion, the highest we have ever had, 10 times what it was in the depression. It is inflationary, and I think overall I am sure that you can justify certain public works, there is no question about it, and of course if I had the discretion I certainly would not eliminate all public works . . . .

I think you are making a strong case this morning. I am very impressed by the arguments you have given me. They are very helpful. I am not completely convinced, but I think you are making a strong case.

Babson pointed out that if the subway were not built, “We will have to build more freeways and more highways. The public works projects will go on perhaps in greater magnitude.”

Chairman Proxmire understood but said that if the subway funds were released, the area would have freeways and the subway:

Senator Proxmire. It is not a matter of if you do not break the subway loose you are going to have the highways. If you break the subway loose you have both at the same time.

Mr. Babson. Something has to happen though. If we do not have a subway system, something has got to happen – a freeway program anyhow, I believe. [pages 1195-1196]

Chairman Proxmire asked if WMATA was operating on the assumption that “the individual components of a unified system such as highways, buses, rapid transit, are mutually dependent one on the other and should be carefully coordinated during the planning and construction phase.” Babson agreed. “We have assumed construction of the freeway system in planning our rapid transit system, and we believe very strongly that there should be close coordination between all bodies of transportation in this region”:

Senator Proxmire. Well, I am told this is the position taken by the House Committee, by Mr. Natcher.

Mr. Babson. His position may be characterized that way, Mr. Chairman. [page 1197]

The conference committee on the Second Supplemental Appropriations Act, 1969, issued its report on July 8, with the District’s subway matching funds deleted. The House and Senate considered the conference report on July 9.

In the House, Representative Broyhill raised the subject. “This delay in starting the system is naturally of concern to everyone.” He agreed with the consensus that a balanced system of freeways and rail rapid transit was needed. The delay in freeway construction “has been absolutely ridiculous,” citing as an example the failure to complete I-66 and the Three Sisters Bridge to serve Dulles International Airport. The airport had been opened for 7 years but was “only being used to a fraction of its capacity while Washington National Airport increases in its use each year even after it has passed the point of being dangerously overcrowded.”

He discussed Section 23 of the Federal-Aid Highway Act of 1968. Despite the reluctance of members of the House Committee on Public Works to “get involved in the specific location and administrative details of the construction of highway projects,” they concluded that “further delay could not be tolerated.” They instructed the District to build certain freeways. “Amazingly, the District of Columbia City Council has placed itself above the Congress of the United States and the American people, and has completely ignored this mandate of Congress.” Therefore, Congress had “no choice but to insist that its will be carried out.”

Unfortunately, releasing the city's transit matching funds would give the appearance that Congress acquiesced in the District's obstruction. It would "encourage the District government to continue to defy the will of Congress and to continue to delay construction of these vitally needed highway projects."

Chairman Natcher had assured Representative Broyhill on many occasions that he would release the subway funds once the city began construction of the freeways required by the 1968 Act.

With that introduction, Chairman Natcher told his colleagues that he appreciated the attitude of Representatives Broyhill and Gude and other representatives from the surrounding jurisdictions "in regard to the freeway-rapid transit impasse that we are now confronted with." They agreed with him about the need for a balanced transportation system. "In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the presently authorized rapid rail transit system."

The freeway system, he said, had been set up in late 1950's after a 5-year study. He was concerned about the increasing cost of the system, citing the East Leg Freeway. In 1961, he was told it would cost \$26.1 million. Now the estimate was \$78 million. "That gives you an example of what this impasse has done in regard to the freeway system here in the District of Columbia."

He recalled the history of the impasse, citing the House's vote in 1966 to withhold District matching funds for the subway. A few weeks later, NCPC voted 6 to 5 in support of starting the freeway system. Chairman Natcher returned to the House and restored the funds. As was well known, a few weeks later, NCPC "was called back into session and changed their vote, and at that time they stopped the freeway system":

In order that there may not be any misunderstanding, we want the House to know that as soon as the freeway program gets under way beyond recall, then we will come back to the House and recommend that construction funds for rapid transit be approved.

He cited Section 23 of the 1968 Act. Despite all the effort that went into the provision and the explanation in the House report, "we find that the District Building . . . completely ignored it."

He complimented President Nixon for his statement on the impasse. "Before reading it, I want you to know that this is the first time in 10 long years that any President has had the nerve and the courage to state the facts." He then read the paragraph in which President Nixon stated that a subway would not relieve local governments of the duty to modernize and improve their highway systems. The President had cited "hopeful signs" that a fair and effective settlement was possible in the near future. "It is in the interest of all those involved . . . that this be done." Chairman Natcher said he agreed "with every word of this statement that I have just read."

He explained how the Senate had included the matching funds in its supplemental bill, but the House conferees had removed the funds. Further, the District had requested \$21,586,000 in matching funds for FY 1970 for construction of the rail rapid transit system:

I want the gentleman from Virginia and the gentleman from Maryland to note that as soon as the freeway system is started and underway according to the Highway Act of 1968, we will come to the House and recommend funds for the authorized rapid rail transit system.

He referred to the pending bill on Federal funding for a 97-mile rail rapid transit system. He wanted Representatives Broyhill and Gude to know “the impasse with which we are confronted is certainly not helping that bill any.”

After Chairman Natcher concluded his statement, Representative Davis rose to agree with him. As the ranking Republican on Chairman Natcher’s subcommittee and a conferee on the supplemental bill, he assured his colleagues that, “As soon as there is some assurance that we are to have a balanced transportation system, the gentleman from Kentucky and I are committed to providing the initial funds that were included in the supplemental requests, and the followup funds that are provided in the 1970 budget.” This was a reasonable position, he said, especially in view of the mandate that Section 23 of the 1968 Act placed on District officials.

Representative Gude agreed with Chairman Natcher that “the District government has refused to obey the law.” Nevertheless, delaying the start of Metro construction was costing \$250,000 every day. “I do not believe it is in the best interest to hold one part of our transportation system hostage to the other.” He just wanted “to express our deep concern and regret over this situation.”

After Representative Broyhill restated his concern that appropriating the matching funds would only encourage further delay on the freeways, Representative Nelsen concluded the discussion:

I speak because of the fact that I did have a hand in the Subway System Act of the District of Columbia and do feel a responsibility with reference thereto. However, I also want to say that the gentleman’s recommendation is fair and in my opinion it is one that we can follow. [Conference Report on H.R. 11400, Second Supplemental Appropriation, 1969, *Congressional Record-House*, July 9, 1969, pages 18793-18795]

The House approved the conference report, 348 to 49.

When Senator Byrd brought the conference report to the Senate floor, he briefly described its dollar amounts, but then said, “Perhaps I should comment briefly on the rapid transit money which the Senate had inserted in the bill.” As for why the funding was not in the conference report, he referred to the obstacles to freeway construction since 1962 and the refusal of the House to appropriate the District matching funds for the subway. He cited the 1966 incident in which NCPD approved the freeways, the House relented and released the subway funds, and then watched NCPD reverse itself a few weeks later. Further, despite Section 23 of the 1968 Act, this direction “has been stalemated through actions of the National Capital Planning Commission and the District of Columbia City Council as well as the Department of Transportation.”

The House District appropriations subcommittee had shown that it would honor its commitment in 1966 after “a slight breakthrough,” and could be counted on to do so again:



I am definitely of the opinion, from my meetings with the conferees on this bill and from my understanding of the current impasse that has developed, that there has been no change on the part of the House committee in respect to this matter. The Senate conferees, therefore, were forced to yield and the moneys were stricken.” [Second Supplemental Appropriations Bill, 1969-Conference Report, *Congressional Record-Senate*, July 9, 1969, page 18926]

The Senate did not discuss the matter further before approving the conference report without a recorded vote. President Nixon approved the \$4.3 billion Second Supplemental Appropriations Act, 1969, on July 22, 1969 (P.L. 91-47).

The *Post* report on the House and Senate action stated that neither the decision to drop the matching funds nor the warnings issued on the House floor “were surprises, but they left the next move clearly to the city.” [Asher, Robert L., “Hill Refuses Subway Funds,” *The Washington Post and Times Herald*, July 10, 1969]

### **Regrouping After a Loss**

On July 8, the Senate considered the National Capital Transportation Act of 1969 as reported by the Committee on the District of Columbia on July 3. It amended the 1965 Act to expand the rail rapid transit system to 97.7 miles as approved by WMATA and authorize a Federal contribution for the plan of up to \$1,147,044,000. The measure included an amendment by Senator Spong authorizing \$150,000 for a study of extending rapid transit to Dulles International Airport. The authorized funds could not be used until appropriated by Congress. Without debate or a recorded vote, the Senate approved the 1969 Act. [The National Capital Transportation Act of 1969, *Congressional Record-Senate*, July 8, 1969, pages 18545-18548]

Despite this show of support for the larger Metro system, the congressional action on July 9 to approve the supplemental appropriations act with the District matching funds prompted debate, public and private, in the city council and WMATA. The issue had barely rated any concern in Congress, and even local supporters of the freeways and subway agreed with Chairman Natcher’s stance in view of the city’s refusal to implement Section 23 of the Federal-Aid Highway Act of 1968. Any path to a reversal of the congressional action left officials with stark choices they would rather not make.

WMATA’s board of directors split on the freeway issue that Chairman Babson had supported in his testimony before the Senate subcommittee on July 9. He accused Chairman Hahn of acting in an “immoral” way that encouraged anti-freeway factions “to riot” if the city built the freeways and bridge that Congress demanded.

Gleason, the former board chairman, thought WMATA should stay out of the freeway fight and instead fight hard for the subway funds. He and Babson engaged in a brief dialogue summarized by the *Star*:

James Gleason of Montgomery County questioned whether Babson should have given the impression that he spoke for the entire board in testifying in support of the House position on freeway construction.

“You want to get your name in the paper . . . . Where do you get your information about Hahn?” Gleason asked Babson.

“I read it in the press somewhere,” Babson replied.

Gleason recommended that the board not take a formal position on the freeways. He said that Congress was acting in “an immoral” way by withholding the District matching funds. Babson replied that the city council was just as “immoral” for maintaining a selfish view on freeways to the “detriment of the greatest number of people.”

Board member Nicholas A. Colassanto of the Alexandria City Council, said, “This one item could kill the whole [transit] program.” He wondered if the District city council understood that if the rail rapid transit system were not built, the city would need more freeways. He saw only one alternative to the subway: “more highways, more and more highways.”

Councilwoman Shackleton, a member of the board, suggested that the board not take action pending a possible change in the city council’s position:

Mrs. Shackleton said it would “be immoral” for the City Council to change the freeway plan without prior action from the National Capital Planning Commission and a series of public hearings.

She hinted the council may follow the full course of action, if changing the freeway plan is the only way to obtain the subway.

“If the planning commission does not act first and public hearings are not held before the council takes action, we might have . . . a law suit,” she explained.

Members of the city council were wrestling with the same issue, as Jack Eisen reported on July 11:

Two key City Council members, seeking a way to break Washington’s stiffening highway-subway deadlock, opened the door yesterday to reconsideration of the controversial Three Sisters Bridge.

The two – Polly Shackleton [sic], long an implacable foe of the city’s freeway program, and the Rev. Jerry A. Moore Jr., – suggested that the National Capital Planning Commission might take a new look at Three Sisters.

Although they did not endorse the Three Sisters Bridge, they could seek support from Councilman Yeldell for a new look. He would go along with a new study “if there is some new evidence to support the need.”

The Reverend Moore said, "I would urge the Planning Commission to take a new look at the highway situation, especially in respect to the Three Sisters Bridge, to see what could be done about reaching acceptable plans . . . ."

NCPC Chairman Hammer dismissed the idea that NCPC would revisit whether to build the bridge. He argued that the issue was a political one, not a planning decision:

"If we do get a final decision [from Congress] that we are not going to get the subway built, then that would be a new planning situation," Hammer said. "We might then consider the need for more highways. Until then, I would think our recommendation [against the bridge] stands." [Green, Stephen, "Transit Authority Split On Freeways Stance," *The Evening Star*, July 10, 1969; Eisen, Jack, "2 Propose New Study Of Three Sisters Span," *The Washington Post and Times Herald*, July 11, 1969]

### **Imminent Compromise**

The *Post* reported on July 12 that a compromise was imminent. The key was to begin construction of the Three Sisters Bridge and launch the study of the North-Central Freeway that the 1968 Act had mandated:

City Council Chairman Gilbert Hahn Jr., a Nixon appointee, is known to be under White House pressure not to jeopardize the subway system by prolonging the Council's opposition to the new Potomac crossing . . . .

Capitol Hill sources have indicated Congress would be content with an agreement by the city to make the new study [of the North-Central Freeway].

A possible solution could come soon, they said, if the city lets construction begin on the bridge. If these steps are taken soon, there would be time to allow the subway funding in the budget now before Congress.

Councilwoman Shackleton released a statement to clarify her position:

The only Council member who probably will refuse any agreement that includes the bridge is Polly Shackleton, whose Georgetown constituency lies in its path. Mrs. Shackleton reaffirmed her position yesterday in a statement of "unalterable" opposition to the bridge. [Moore, Irna, and Asher, Robert L., "Imminent Compromise Seen In City Transit Controversy," *The Washington Post and Times Herald*, July 12, 1969]

With the city council scheduled to consider the issue during a meeting on Thursday, July 17, the *Star's* Paul Delaney reported that the meeting would likely result "in what appears to be the first major crack in the council's solid anti-freeway stance." Based on "informed sources," the meeting was going to be "the beginning of a process for the council to accept a compromise 'and get things rolling.'" By agreeing to begin construction of the Three Sisters Bridge and study the North-Central Freeway, the city council would be accepting the requirements of Section 23 of the 1968 Act:

The compromise also is the same one that was under discussion by Deputy Mayor Thomas W. Fletcher and members of the House Public Works Committee earlier this year. An agreement was scuttled by strong complaints from city council members that they were being undermined and by pressure from anti-freeway forces.

Although Delaney's sources saw a role for NCPC in the decisions, the city council was "the key to settlement, and that the commission most likely would go along with any council recommendation."

Chairman Hahn and Councilwoman Shackleton remained unalterably opposed to a compromise. However, the source said, "We won't need them in the end anyway. We figure we have a 7-1 vote for some kind of compromise and Polly and the chairman can take a walk during the vote." The source speculated, "I figure the chairman will change his mind and vote for a compromise because he will see some public sentiment for it; he realizes the subway must move and if there hasn't been pressure from the White House, there most likely will be."

In contrast, Chairman Hahn said he had "not at all been under any pressure from the White House to change my position and I've no intention of changing my position as long as I think the community backs me in opposition to the Three Sisters Bridge and North-Central Freeway."

Councilman Tucker favored a review of the December 1968 plan, saying "nothing should be closed to review." He added, "This doesn't mean we'll change our minds. But the logjam must be broken; we've got to have the subway." He had hoped the "initial action" would come from Congress. "But the council can't duck its responsibility. Nothing should be closed to a second look":

The members of the council agonize over it. I've got to be sure in my own mind I'm doing the right thing for the people. I am as firm in my conviction today as I was a year ago that we don't need the Three Sisters. But I also am firm that we need the subway.

An unnamed "official of the city administration" said news of a possible compromise was "the most positive thing I've heard all week." He continued, "Their freeway stance has had the government in a very bad position. The budget is up on the Hill, the revenue package already is in danger and the whole legislative program is jeopardized. I'm glad to hear that something is about to be done." [Delaney, Paul, "Shift Indicated In Council's Freeway Stand," *The Sunday Star*, July 13, 1969]

The council members, at their informal weekly meeting on Monday decided to leave the freeway issue off the agenda to avoid confrontation with freeway foes. Councilman Moore had been slated to present the compromise during the public session, with Vice Chairman Tucker set to push the issue. Public comments were to be heard, including from ECTC's Booker who was allotted 15 minutes. "We just wanted to give the council some backbone," he told Delaney. "We heard they were about to succumb to pressure."

On July 15, the city council met in public session to discuss issues unrelated to the freeway battle. However, ECTC and 75 supporters arrived at the start of the session and demanded to

speak. Refusing to hear the protesters, the council members left the chamber to cries of “dictator” and “scaredy-cat.” Booker staged a rump meeting, warning against “congressional blackmail.” They displayed signs with such warnings as “Don’t Sell Out” and “Don’t Be a Judas.” With Colonel Starobin ordering them to leave the chamber and police standing by, ECTC left after about an hour. Booker told reporters, “We made our point so all this bringing in of police doesn’t mean anything.” As they left the chamber, the protesters chanted, “No More Freeways.” [Moore, Irna, “Freeway Foes Seize Council Room,” *The Washington Post and Times Herald*, July 16, 1969; Basham, William, “D.C. Council Ousts Freeway Militants,” *The Evening Star*, July 16, 1969]

By Wednesday, July 16, council members were shifting their views behind the scenes. The compromise plan that had 7-2 support over the weekend had lost some support. A District Building source told the *Star*’s Paul Delaney:

Things are getting hot and the showdown might not come. But I figure the vote is more like 4-4 now, with the successor to Councilman William S. Thompson (who has been nominated for a judgeship) holding the key vote. And his appointment might hinge on his freeway position.

Chairman Hahn and Councilwoman Shackleton were still opposed. Members Haywood and Anderson were now opposed as well. A source said that Councilmen Dougherty, Moore, Tucker, and Yeldell supported the compromise. However, the source added:

But it’s getting hectic in the fight for votes. The pressure is mounting and things could get rough. We all will have a much better idea after the meeting Thursday. [Delaney Paul, “Council Hardening On Freeway Issue,” Interpretation, *The Evening Star*, July 16, 1969]

WMATA invited the city council members to a luncheon on July 17 to discuss the impasse. Only the Reverend Moore, Polly Shackleton, and Joseph Yeldell, as members of the WMATA board, accepted the invitation. Chairman Hahn pointedly refused to attend, while the other members had other scheduled activities. The *Star* reported that “authority staff and suburban members were obviously miffed at the cold rebuff by the District.”

Chairman Babson had hoped to impress the city council members with the urgency of finding a solution to the impasse, but the three WMATA board members from the city council were well aware of the precariousness of the situation and needed no persuasion on the rail rapid transit plan. Shackleton told reporters after the luncheon that there were “a great many questions still to be answered” before she could accept the compromise. Yeldell said “all of us would like to see this problem solved as soon as possible.” He wanted assurances that Chairman Natcher would release the funds if the city council approved the compromise but it was blocked in court:

Then where would we be? This is a political question for us. My own feeling is that if the overall damage to the city is greater by not acceding on the freeways, then I’d be inclined to vote for them.

Several unnamed members of the city council told reporters that Chairman Hahn's actions were crucial to the "agonizing reappraisal" of the group's stance on freeways. The *Post* reported, "They said they were not prepared to back off on their own while Hahn stood pat."

Babson revealed after the meeting that he had written to President Nixon the week before to request his intervention. As a result of the letter, WMATA officials had met with Moynihan. Babson would not reveal what happened at the meeting but said he was hopeful the impasse "might break in the next few days or a week."

Meanwhile, Representative Broyhill increased pressure on the city council by saying he would ask the District Committee to amend the pending District revenue bill to prevent the new taxes from going into effect until the city complied with Section 23 of the Federal-Aid Highway Act of 1968. He said Chairman McMillan and other committee members were "very concerned that a quasi-governmental body was totally ignoring the direct instructions of Congress." [Asher, Robert L, and Boldt, David R., "Added Pressures Hit City Roadblock," *The Washington Post and Times Herald*, July 18, 1969; Wright, Christopher, "Babson Asks Nixon to Held Break Deadlock on Subway," *The Evening Star*, July 18, 1969]

While the city council held off public action on the freeway compromise, the *Star* lamented the city's "stubborn and senseless defiance of the law requiring a start on the city's freeway program." WMATA Chairman Babson, the editors said, had disclosed his contacts with the White House "in utter frustration," while city council members, who had seemed to be working to find a solution, "apparently were gripped by a new attack of doubts."

The editors cited Councilman Yeldell's comment that some council members were worried that Chairman Natcher would not honor his pledge if anti-freeway groups went to court to block construction. Lawsuits were quite likely and would have to be fought on their merits. "The notion that the council is entitled to – and might receive – some kind of further 'assurances' from Congress on the subject, however, is not only politically naïve, it is thoroughly unwarranted."

The editors referred to Chairman Natcher's statement on July 9 during debate on the Second Supplemental Appropriation Act, 1969. He had said that as soon as the freeway program was "underway beyond recall," he would recommend release of the District matching funds for rail rapid transit. The editors asked, "What flatter pledge than that does the council think it can get?"

What was clearer than ever was "that Nixon must step in." Secretary Volpe, Mayor Washington and NCPC Chairman Hammer were "all standing around, awaiting a move from the council. And the wait thus far has been to no avail." ["Nixon and the Subway," *The Sunday Star*, July 20, 1969]

As for the inevitability of lawsuits, Leslie Logan of Arlingtonians for the Preservation of the Palisades made clear on July 21 that if the city council approved the Three Sisters Bridge, the group would file a suit. He did not think the city council would change its position, but if so, it would have to go through the lengthy "dual hearing" procedure before proceeding to construction. Logan assured reporters that in that event, his group and others opposed to the bridge would show up to testify.

Arlington County threatened to revive its lawsuit based on President Roosevelt's 1940 agreement governing the use of the Spout Run Parkway, which had not been considered after the U.S. Court of Appeals' decision blocking the bridge and three other freeways.

ECTC's Booker did not think the city council would approve the bridge, but he pointed out that the group had several volunteer attorneys ready to file suit if the bridge were approved. [Flor, Lee, "Freeway Foes Threaten Suit To Bar Bridge," *The Evening Star*, July 21, 1969]

The city council held a closed 3-hour meeting on July 21, in which all the council members agreed the council would approve the Three Sisters Bridge, 6 to 2, during an open meeting on July 22 in return for the subway funds. Councilman Yeldell explained that approval of the bridge would not only prompt Chairman Natcher to release the subway funds, but would comply with an agreement reached with HUD on Federal funds for housing. As spelled out in a letter from Secretary Romney, HUD would speed up Federal approval of rehabilitation projects and work to provide more funds to the National Capital Housing Authority. "It was," one unidentified council member said, "just an attempt to sweeten the pot." Despite this added incentive, Councilwoman Shackleton and Councilman Anderson said they would oppose the bridge no matter what.

With a public session scheduled for the following day to vote on the plan, the *Star* reported that, "Freeway opponents were reported to have conducted an overnight telephone campaign among council members, urging them not to give in to congressional road construction demands."

On July 22, nearly 200 people were in the council chamber waiting for the meeting to begin at 9:30 a.m. However, during another closed session, Yeldell said that he would not vote for the plan "without a clear pledge that the blackmail will be ended forever." Several members had decided overnight to urge Chairman Hahn to meet with Chairman Natcher to secure assurance that he would release the funds. Hahn, a Republican, asked Democrat Moore to undertake the meeting with the Democratic Chairman Natcher.

With the votes for the plan disappearing, Chairman Hahn concluded that "there was no point in going ahead" with the public meeting. He later told reporters, he "thought we could come close to unlocking the impasse and possibly take a vote. I sensed today that the mood of the majority was not to vote." Another unidentified council member remarked:

It's like a rained-out ball game. We thought we had all the pieces together, but we found this morning that one piece was still missing.

When a secretary informed the crowd that the public meeting had been canceled, she was greeted by boos and shouts for "Hahn to come out here and tell us that."

Chairman Hahn said he had talked with Secretary Volpe about the situation on July 17 in general terms, adding that he had secondhand information that President Nixon wanted the impasse broken before he leaves on July 23 for a foreign trip. The *Star* reported:

Transportation officials said the council has no choice but to yield if the subway is to be built since Congress holds all the cards in terms of power over appropriations.

Secretary Volpe told reporters, "I've been working on this all weekend both from here and Cape Cod." [Green, Stephen, and Basham, William, "D.C. Council Calls Off Subway-Roads Session," *The Evening Star*, July 22, 1969; Moore, Irna, and Eisen, Jack, "Bridge Vote Tied To Metro Funds," *The Washington Post and Times Herald*, July 23, 1969]

As requested, the Reverend Moore, chairman of the Transportation Committee, called Chairman Natcher later in the day. The *Star* reported:

Moore reported that Natcher did say his committee would approve the subway money if the council approved the bridge.

But when the councilman asked Natcher what would happen if the anti-freeway organizations filed suit, the congressman said he would delay subway money, pending the court settlement of the suit.

Although this response "was widely interpreted as dashing hopes for a settlement," Chairman Hahn asked Councilman Moore to talk further with Chairman Natcher. "I hope that Councilman Moore possibly misunderstood Congressman Natcher, after all of the implied promises that the subway money would be released. I'm continuing to try to find a way to break the impasse."

He was concerned by efforts to tie District tax revenue and the Federal payment to the District to the freeway issue. "If that's correct . . . each year's appropriation is going to be used to force something on the city that it doesn't want."

In "a slim chance" to secure the subway funds, "influential members of Congress appeared to be making moves to try to get subway construction money committed if the City Council approved the Three Sisters Island Bridge, even if anti-freeway forces do file a suit." Representative Brock Adams (D-Wa.), a leading liberal Democrat, supported the idea because the city council has no control over the anti-freeway groups. At the same time, he supported Representative Broyhill's effort to hold up District revenue and the Federal payment unless the city begins construction of the bridge. The *Star* reported, "Adams said he would agree to Broyhill's plan only if there was a commitment that subway construction money would not be held up under any circumstances." ["Natcher Shift Dims Chance for Subway," *The Evening Star*, July 23, 1969]

Editors at the *Star* put their reaction this way:

The City Council's latest flip-flop in the District transportation controversy, fed by some absurd new outburst of rhetoric, has seemed to harden further a political deadlock which desperately needs to be broken.

The rhetoric was from The Reverend Channing E. Phillips, the city's Democratic National Committeeman. He had warned that if the city bowed to "threats" and "blackmail" from Congress, the threats would never end. The city would be better off foregoing the subway rather than yielding on the freeways. The editors said that if the city council thought it could win a power struggle with the Congress, its members might want to recall that, "Congress has not yielded its constitutional authority over the Nation's Capital, nor is it apt, ever, to do so



completely.” In this case, the city’s main champion, the Nixon Administration, “happens to be wholly in Congress’ corner”:

The point is not, in other words, that the City Council should capitulate because Congress has said it must, but because Congress in this instance happens to be right. Political courage, in a valid cause, is a most admirable trait in any public official. What the council is displaying in this case, however, is not courage, but irresponsibility. [“Distorted Issues,” *The Evening Star*, July 23, 1969]

Over the next few days, anti-freeway groups renewed their pledges to file suit if the city approved the Three Sisters Bridge. A letter from ETCT and 10 other organizations said the groups were “shocked that Chairman Hahn and Deputy Chairman Sterling Tucker would propose such a plan and urge other city council members to support it on the vague promises of HUD Secretary Romney to provide housing assistance” for those displaced by the North-Central Freeway.” The freeway, they said, would “slice across the city in a greatly destructive arc” that would destroy thousands of homes of Negroes and whites. [“Civic Groups Plan Suite To Block 3 Sisters Span,” *The Evening Star*, July 24, 1969]

On Saturday, July 26, ECTC and a crowd of about 50 held a “victory celebration” outside one of the 69 homes in the Brookland area that had been condemned for the North-Central Freeway. The homes were, Booker said, “symbols of the continuous and unrelenting struggle for the rights of black people and anybody else in the country to own homes.” He urged “no slacking off in this struggle” until the freeway is defeated.

Mayor Washington arrived to address the group. He said, “You’ve got to have the concern of the people at heart.” As for the freeway-subway impasse, he said, “You know how much power I have, and it isn’t much. You know I can’t always deliver everything, so have to go to the people sometimes.” He looked through one of the two houses at the corner of 10<sup>th</sup> and Franklin Streets, NE., that had been renovated; three others were scheduled to be completed in about 3 weeks. He told the crowd that work on the remaining houses would “move forward far faster than the restoration thus far.”

Colonel Starobin, accompanying Mayor Washington, said the first five units had proceeded slowly because they were a “pilot project.” The city had encountered more problems than anticipated in bringing the homes up to current standards. As a result, the work would cost “substantially more” than the initial estimates of \$2,500 to \$3,000 per unit. “We hope to put the rehabilitation of the rest of the buildings up for bid by the end of August.” [Fiske, Phineas, “Happiness Is No Freeway,” *The Washington Post and Times Herald*, July 27, 1969; Holmberg, David, “Washington Attends Anti-Freeway Fete,” *The Sunday Star*, July 27, 1969]

On July 28, Booker held a press conference at the District Building to demand the firing of Chairman Hahn based on two letters that ECTC had obtained. One was a July 16 letter from John F. Grimm, vice president in charge of traffic for O’Boyle Tank Lines in Bethesda. The letter stated that he and other members of the Washington business community had met with Chairman Hahn to express their support for the freeway construction mandated by the Federal-Aid Highway Act of 1968. They felt that city officials were not being exposed “to what we feel

is the overwhelming popular sentiment in favor of construction of the freeways, including the Three Sisters Bridge and North Central Freeway.”

The meeting, Grimm wrote, was “a frank and open exchange, beneficial to all.” Grimm summarized the most important aspect:

Those in our city government who are opposed to the construction of the Three Sisters Bridge and the North Central Freeway are opposed, we gather, not on the merits of these projects, but rather because of the possible repercussions of a public announcement of support for their construction.

Because they feared such an announcement would “provoke an adverse reaction in the inner city,” their opposition seemed based on avoiding “the possibility of civil disturbances,” such as the riots following the assassination of Dr. Martin Luther King, Jr. Some of the businessmen considered this fear an example of what newly elected Representative Hogan had called “government by intimidation.” Grimm wrote, “the possibility of such a reaction, even though we feel it to be remote, should not be overlooked.”

The great majority of inner city residents had “no appreciation for the economic fact that the freeway program is funded through the Highway Trust Fund.” The revenue cannot be used for the “quite reasonable desires for better schools, public housing, recreation areas, and so forth” that residents wanted. Although the funds could not be used for these nonhighway purposes, the stalemate on the freeways had stymied the Metro transit system:

It seems to us that the solution to this problem is the simultaneous announcement, by both the administration and the city government, of a comprehensive plan for construction of public housing, new schools, and freeways.

The plan could use air rights for some of the desired facilities.

The announcement would allow the city council to approve the Three Sisters Bridge and North-Central Freeway “by saying that by holding out until now on these projects, the city has been rewarded with an exemplary public housing program, etc., and not merely the Metro System alone.”

ECTC also released a July 18 letter from an unnamed assistant in Grimm’s office. This letter, intended for recipients of copies of the previous letter, stated that Grimm and Chairman Hahn “have asked that the letter to President Nixon concerning the freeways you received a copy of be kept confidential, especially with regard to the press since the plan outlined would not be effective if it were public knowledge.”

Based on the two letters, Booker announced that he had written to President Nixon to demand the firing of Chairman Hahn for “selling out the city” to “selfish business interests and political hacks.” He also called for an end to “congressional blackmail by releasing the subway funds immediately.”

Very quickly, Hahn and Grimm denied ECTC's characterization of the letters. Chairman Hahn, interviewed while Booker's press conference was underway, said, "I met with these men who disagreed with my position, just as I have met with the ECTC and others who agree with my position." When he saw Grimm's letter, "I called to tell him that it was misleading in describing our meeting but I never asked Mr. Grimm or anybody else to suppress this letter." The public was aware of the city council's efforts "to find a way out of the impasse and to get the subway started," he said, adding that his position "remains unchanged and unaffected by these letters."

Grimm said:

The ideas expressed in the letter were mine, not Mr. Hahn's. If every meeting is characterized as a conspiracy we're all in trouble. We met with Mr. Hahn because we felt there was pro-freeway sentiment that was being totally ignored.

He took issue with ECTC's tactics, saying that when a pro-freeway voice speaks out, "They use tactics, usually the threat of physical intimidation . . . people don't want to run the gantlet."

Learning of ECTC's press conference, General Graham commented, "I think this is the week . . . we're moving toward a break . . . the council is green and inexperienced, but must realize that Congress holds power over appropriations. It's just a question of when it gets through to them." [Basham, William, "Freeway Foes Accuse Hahn of 'Selling Out,'" *The Evening Star*, July 28, 1969; "Hahn Resignation Demanded By Opponents of Freeway," *The Washington Post and Times Herald*, July 29, 1969; "'Deal' on Freeways Is Denied by Hahn," *The Evening Star*, July 29, 1969]

On July 30, the Federal City Council released a poll conducted by the Oliver Quayle polling organization of New York in February. Contrary to the claims of ECTC and other freeway opponents, Quayle found that Washington residents favored the Three Sisters Bridge and the North-Central Freeway. A summary in the *Star* explained:

Sixty-six percent of Washington Negroes and 65 percent of the city's white population would take a road system that includes the Three Sisters Bridge and the North Central Freeway, if given a choice between the 1968 Highway Act that includes them and the later District City Council plan that deleted them, the poll results said.

Given a choice between new freeways and no freeways at all, 60 percent of the Negroes and 54 percent of the whites would prefer to see new freeway construction, according to the poll results . . . .

Asked to rate needed transportation systems, 52 percent gave top priority to a rail rapid transit system, 25 percent gave priority to more freeways and 23 percent gave priority to more downtown parking facilities.

Twenty-six percent of the Negroes rated freeways more urgently needed, compared with 21 percent of the white[s].

“When asked what they had heard about new freeways, most respondents made neutral comments. Unfavorable reactions, however, came from more whites than Negroes,” the poll results said, adding that “opinion has not polarized on this question.”

Emphasizing that the freeway question is not a racial issue, the poll report said “residents most strongly in favor of new freeways tend to be middle-class working people . . . and are inclined to be men more than women . . . . Residents who most strongly oppose new freeways tend to come from either the upper or lower segments . . . the older, retired people, small business owners or top level businessmen.”

Also, the poll showed that 89 percent of the respondents were dissatisfied with downtown parking facilities, but “the argument that new freeways will only aggravate this situation is not a major motivating factor” to freeway opposition.

A spokesman made clear that the Federal City Council wanted the freeways approved to secure congressional release of funds for the subway. Federal City Council members did not think the city council would believe the anti-freeway “platitudes,” but the spokesman added, “It would be irresponsible for the Federal City Council not to release this now because we must get the subway built.”

Representative Gude said the poll would “discredit those noisy zealots who have obstructed transportation progress in the Nation’s Capital and who are not truly representative.”

One of those zealots, ECTC’s Sammie Abbott, dismissed release of the poll by the pro-freeway Federal City Council because it was “self-serving and the questions are nebulous.”

Chairman Hahn also released the results of a poll he had commissioned. Data Unlimited conducted the poll on July 5 after Chairman Natcher had stated again that he would block the subway funds. The poll of 300 voters found that 59.6 percent who had an opinion favored the Three Sisters Bridge, but 2 out of 5 respondents had no opinion. Of those who responded, 55.6 percent opposed the North-Central Freeway. Overall, the poll found that:

- Some 34 percent favor the bridge, 23 percent opposed it, and 43 percent were undecided.
- Only 31.7 percent favored the freeway, 40 percent were opposed and 28.3 percent were undecided.
- Nearly 80 percent favored a subway, with 8 percent opposed and 12 percent undecided.
- Some 47.7 percent backed a city council compromise with Congress if it would obtain subway building funds, with 34.2 percent opposed and 18 percent undecided.
- Leaving out the 40 percent who were undecided total, 58.1 percent of respondents favored compromise.

Chairman Hahn said the poll was one of the ways he was attempting to see where “people stood on this question.” [Green, Stephen, “Poll Favors ’68 Freeways Plan,” *The Evening Star*, July 30, 1969; Green, Stephen, “Span Back, Freeway Opposed in Hahn Poll,” *The Evening Star*, July 31, 1969; Eisen, Jack, “D.C. Poll Shows Roads Support,” *The Washington Post and Times Herald*, July 31, 1969]

In response to the polls, Chairman Terris of the District Democratic Central Committee held a press conference to call for a referendum to settle the freeway dispute. If freeway supporters thought the Quayle poll was accurate, they should not hesitate to solicit the voters' opinion. (He did not mention the Hahn poll.) He suggested that the referendum could be voted on in November during the District Board of Education election. ECTC endorsed the idea. [Green, Stephen, "Referendum on Freeways By D.C. Voters Proposed," *The Evening Star*, August 1, 1969]

### **Portrait of Natcher**

The impasse prompted Jack Eisen to profile Chairman Natcher, the 59-year old resident of Bowling Green, Kentucky:

He is a commanding figure. About six feet tall, slender, with sharp features and piercing eyes, he parts his wavy, gray-streaked hair precisely down the middle. Always regarded as something of a spiffy dresser, he wears conservative suits and bar-type collar clasp . . . .

When home, Natcher will range widely, usually driving alone in his own car, across the rolling green hills of the Second Congressional District, past shanties and modest farm homes . . . .

In Washington, where his rise on the House seniority ladder has made him into one of the most powerful men – perhaps the most powerful of all – in municipal affairs, he is rarely seen off Capitol Hill . . . . He works evenings, Saturdays, sometimes even Sundays, and never goes to cocktail parties or to other entertainments . . . .

A nonsmoker and a teetotaler from a district that grows some of the best tobacco and distills some of the most mellow bourbon whiskey in the land, Natcher is known to have but one addiction: peppermints.

His stand on the city's freeways "had brought down upon him the wrath of those who see subways and freeways as an either/or proposition." As for those who hope he would relent, those who "know the man, who have watched him at work, insist he is not the kind to change his mind – especially since he has voiced his warning on the subway funds year by year since 1962.

Some highway critics assume his position is based on links to the "highway lobby":

They suggest close connections, perhaps campaign contributions.

But Natcher, who routinely wins elections by margins of 2 to 1 (his last one was 3 to 2 in the face of a Nixon sweep of Kentucky and the election of a Republican governor), has reported no contributions received and nominal campaign expenses.

A check indicates no apparent ties with any outside group. He even voted against the Interstate Highway Act in 1955.

Eisen thought Chairman Natcher's personal reasons ran deep:

Natcher, his friends say, has a deep reverence for Congress as an institution, an emotion stronger than whatever political philosophy he may espouse.

If Congress gives the District of Columbia a mandate, "the city government has no choice but to carry it out."

He also believed in "old-fashioned log rolling: you do something for me and I'll return the favor." If he wanted projects from the Public Works Committee in his district, he would support what the Public Works Committee wanted, and that was the District freeways. [Eisen, Jack, "Rep. Natcher: Policeman of D.C. Freeways," *The Washington Post and Times Herald*, July 20, 1969]

### **BREAKTHROUGH!**

In a News Analysis on Sunday, August 3, Eisen and Robert L. Asher described the freeway-subway deadlock as "at a standstill with neither Congress nor the City Council willing to make a new move."

Mutual distrust reflected a breakdown in communication. The city council was "unconvinced that an agreement to build the Three Sisters Bridge would definitely produce funds for the subway system." Congress, meanwhile, insisted that the city implement Section 23 of the Federal-Aid Highway Act of 1968.

After the contact with Councilman Moore, friends and associates of Chairman Natcher "reported that he feels he has been misinterpreted – and some bluntly relayed this word to the Council":

According to them, Natcher is just suspicious of the Council's follow-through on any agreement. He believes some Council members might vote for the bridge to get the subway money but then covertly encourage any ensuing legal challenge.

He is said to want a firm assurance that Mayor Walter E. Washington and the Council, once committed to the road program, will act decisively to beat down the opposition.

Chairman Natcher "remained publicly silent," as always.

Mayor Washington "has stayed aloof from the infighting," as had Deputy Mayor Fletcher, whose efforts to find a compromise early in 1969 were not well received. Further, Secretary Volpe had "backed away after his intervention proved fruitless."

At the same time, Congress, according to a Senate source, would "have no patience with another lawsuit." Members could override any court decision, as Congress did in the 1968 Act.

Moreover, key lawmakers said that Chairman Natcher had no interest in negotiating with the city council "since few in Congress would acknowledge any hint that the Congress and the Council

are equals.” Congress had spoken, and the city should comply. An unnamed House member told Eisen, “Dickering with the City Council leaves me cold.”

Nevertheless, anti-freeway, pro-subway activists “continue to hammer at the Council not to give in to ‘blackmail’ or unilateral control of the city by Congress. “They insist that the subway is bound to be built eventually if the city continues to hold out.”

WMATA did not share this view; its “frustrated officials . . . warn that 10 years of hard work that has brought the subway to the verge of construction will soon be lost and cannot easily be recouped.” [Eisen, “Trading a Bridge for a Subway: Mistrust Runs High,” News Analysis, *The Washington Post and Times Herald*, August 3, 1969]

On August 6, pressure on the city council increased when the House District Committee reported a revenue package that adopted an amendment by Representative Broyhill, with the support of Representative Adams, delaying release of the Federal payment to the city until it complied with Section 23 of the Federal-Aid Highway Act of 1968. In view of the city council’s approval of the Major Thoroughfare Plan in December 1968, this amendment meant the city would have to construct the Three Sisters Bridge to get the Federal payment. According to Representative Adams, the provision was to be a “trigger mechanism” to break the freeway-subway impasse and allow Chairman Natcher to release the subway funds.

The bill called for additional revenue totaling \$39.7 million, bringing the total to \$105 million, about \$30 million under the city’s request, instead of a 30-percent formula allotment that would have given the city a higher payment. [Sarro, Ronald, “House Panel Cuts District’s Powers,” *The Evening Star*, August 6, 1969]

In addition, Representative Gude announced that he had written to President Nixon to urge him to order the city council to comply with Section 23. The letter stated that the city council was “derelict” and had “failed to obey the law”:

Mr. President, I call upon you to instruct the City Council to build the roads and comply with the law, and to instruct the District government’s legal staff to undertake a full-scale review of all previous legal challenges to the construction of the freeway system, and to prepare its legal defenses against further delaying tactics, and to demonstrate the city’s commitment to the absolute compliance with the Highway Act of 1968.

In closing, he wrote, “The City Council must be asked to prove it is doing its part, or be requested to resign.” [“Nixon Asked To Push City On Highways,” *The Washington Post and Times Herald*, August 7, 1969]

Pressure on the city council increased on August 6 when the House District Committee unanimously approved a revenue bill blocking the annual Federal payment to the city until it agreed to build the Three Sisters Bridge as required by the 1968 Act. [Boldt, David R., “Revenue Bill Restricts City on Tax, Jobs,” *The Washington Post and Times Herald*, August 7, 1969]

During a closed meeting of the WMATA board of directors on August 7, Chairman Babson tried to secure passage of a memorandum directing staff to plan for the “orderly phasing out” of the rail rapid transit program if the city council did not take appropriate action to end the impasse:

The plan should detail all of the legal, financial and organizational implications involved, including a timetable for termination of contracts and release of employes [sic]. The phaseout plan should be submitted to the board in time for consideration at the regular Aug. 28 meeting.

The board declined to approve the resolution. Instead, at the suggestion of suburban members of the board, WMATA postponed 12 engineering contracts worth a total of \$9 million that were due to be awarded. [Sarro, Ronald, and Flor, Lee, “Subway Design Plans Tabled By Agency in Fund Impasse,” *The Evening Star*, August 7, 1969]

That same day, Thursday, August 7, the city council called a special meeting for Saturday morning to reconsider its position on the Three Sisters Bridge. Reports indicated the city council would vote, 6 to 2, to reverse its opposition. Chairman Hahn defended the decision to hold the vote on a resolution that simply called on the D.C. government to “comply with the provisions of Section 23 of the Federal Highway Act of 1968.” He said, “There is no other way to free money for the city’s subway system.” As for his position on the Three Sisters Bridge, he said the House District Committee’s action in tying the Federal payment to the freeways was the final blow:

I believe the building of the bridge is wrong and I am still not convinced that it is in the best interest of the city. However, we do not live in the world we wish, we live in the world as it is. We are forced at times to make rather hard choices – either build the bridge or no subway.

Vice Chairman Tucker confirmed he also would vote yes on the resolution. He explained that “there is no other course, short of chaos, available to the City Council.” He added that the impasse had harmed the city’s relationship with Congress. The District Committee’s action would “surely bring this government to a screeching halt.” He said, “We do not yet have home rule and there will be times, such as now, that awareness of our lack of power will be hard and cruel.”

According to the *Post*, Tucker “was said to have argued strongly against calling the special meeting, urging instead that the Council wait until later in the month.” He might, according to speculation, change his mind and “cast a third negative vote.”

The “yes” votes of Hahn and Tucker virtually assured the final tally would be 6 to 2 in favor of building the Three Sisters Bridge and conducting an 18-month restudy of the North-Central Freeway along with the projects approved in December 1968.

Terris asked the city council not to “bow abjectly to congressional blackmail.” In a letter, he wrote:

Regardless of how great the threats or how much the bribery, the most critical issue is whether the city government can retain the respect of our citizens. No loss of the subway,



no loss of new housing, no loss of tax revenue is anywhere near as important as loss of confidence in our city government to stand by its convictions. [Moore, Irna, and Eisen, Jack, "City Approval Set on 3 Sisters Span," *The Washington Post and Times Herald*, August 8, 1969]

(One member of the city council, the Reverend Moore, was in Austria for a church conference on August 7. Hahn asked him to return to Washington for the vote and he was on his way.)

ECTC planned to pack the hearing with "about 300" followers and to request an opportunity to speak. Hahn, however, said that no witnesses would be heard. [Moore, Irna, "Council Defends Shift on 3 Sisters Bridge," *The Washington Post and Times Herald*, August 9, 1969]

That night, ECTC held a meeting of about 125 freeway opponents at the Brookland Methodist Church to decide what to do. In view of the city council's reported intention, according to Booker, they agreed to go back to court to block the bridge.

On August 9, a crowd of more than 200 people had crowded into the council chamber. As 10 a.m. approached, Sammie Abbott was standing on a chair denouncing the city council to the cheers of the crowd. "The way to get home rule is to fight on issues like this," he shouted as the crowd chanted "freeway, no, subway, yes." When Booker was asked about the city's potential loss of \$115 million, he said the House District Committee's action was "evidence that we have a collection of racial aggressors in Congress, who treat us as a colonial plantation."

When the city council entered the chamber at 10 a.m., the crowd greeted them with shouts of "tricksters," "liars," and "cheats." Abbott shouted, "Here come the sellout artists . . . Let's have one big boo for freeways." An Abbott ally, the Reverend Douglas E. Moore of BUF, yelled, "We will be heard" as Hahn tried to get the meeting underway. Hahn began to speak, but his opening statement was drowned out as the crowd shouted "No! No! No!" and "We will be heard," and called "Mr. Chairman! Mr. Chairman!"

Hahn banged his gavel but the crowd continued to shout. Unable to proceed, Hahn at 10:04 ordered the chamber cleared except for council members, their staff, and reporters. The crowd yelled, "Hell No! We won't go." Just down the hall, 25 police officers were waiting, "clustered around a TV set chuckling over the Saturday morning cartoons," according to the *Post*. Now, their moment had arrived as Deputy Chief Owen E. Davis held a bullhorn to amplify Colonel Starobin's voice as he read the order to clear the chamber and indicated that those who did not obey would be arrested. His "hand shook as he went through the script twice. It shook a little more when Abbott blasted, 'goddamn you, Starobin!'"

All at once, screams and shoving began, police began dragging Abbott out of the chamber, chairs toppled over, and someone in the crowd threw a small metal ashtray that just missed Hahn's head:

Police grappled on the floor with demonstrators, rows of gray chairs were overturned and hurled about, and the hallway began to fill with those fleeing from the Council chamber. Police did not use nightsticks or weapons.

Booker was propelled out of the chamber by police. Terris, the last to be arrested, walked out quietly.

The council members, “some impassive and some visibly upset,” watched as the chaos swirled through the chamber and the police arrested 14 demonstrators. Someone grabbed Councilman Yeldell’s nameplate and slammed it on the desk while swearing at him:

The people who complied with the order to leave jammed the hallway and screamed at the police on the other side of a sawhorse barricade by the door. It was a biracial crowd hurling racial epithets.

The white policemen were “pigs” and “bastards.” The others were . . . “uncle toms.” Reporters were “liars.” Mayor Walter E. Washington, President Nixon and various members of Congress were added to the verbal dishonor roll.

Some of those trying to leave the chamber complained they were being treated roughly. Catherine McCarron of the DuPont Circle Civic Association said she had been grabbed and thrown out of the chamber, leaving a large rip down the back of her dress.

When ECTC’s Cassell complained about the number of policemen and demanded that a guard with a Polaroid camera put it away, Colonel Starobin replied the police were there “to insure that the council can go about its business in a proper fashion.” A woman yelled, “Who’s going to protect us from the council?”

As the *Star* put it, once order was restored, “The chamber was a snarled mass of overturned chairs.”

Finally, at 10:22, Hahn informed the nearly empty chamber that, “This meeting is still in order.” As expected, the vote was 6 to 2, with Shackleton and Anderson casting the negative votes. Yeldell spoke for those who voted for the bridge. He said the vote “has caused more personal anguish” than any other he had cast:

We are all painfully aware that this is no longer just a transportation issue but one that strikes at the very heart of the operation of this city.

He would have voted “no” except for “painful and pressing political realities,” including the need for the subway and the possible loss of the Federal payment.

In casting her vote, Shackleton said, “for the past eight years I have fought for a subway. For the same period of time, I have opposed unnecessary highway projects as detrimental to the nation’s Capital and harmful to the well-being of its residents.” She was committed to the Major Thoroughfare Plan adopted the previous December, adding that the present vote violated that plan.

Anderson said he opposed the resolution in view of the “will of the people” in his community.

After the meeting ended, Hahn said, “The impasse is over.” The Reverend Moore said the council “believes that adoption of this resolution will result in the immediate construction of the subway system.”

Hahn issued a statement saying he regretted the need to clear the room, but that given “the nature of the issue under discussion and the emotionalism built up around it, we had no alternative.”

Mayor Washington issued a statement:

Following the council’s action today, I will instruct the Department of Highways and Traffic to proceed immediately to implement the 1968 Highway Act insofar as it relates to the District of Columbia.

City officials estimated they would need about 5 months to let the construction contracts for the Three Sisters Bridge.

[Eisen, Jack, and Moore, Irna, “Fists Fly at Voting on Roads,” *The Washington Post and Times Herald*, August 10, 1969; Asher, Robert L., “Foes Irate at City’s ‘Sellout,’” *The Washington Post and Times Herald*, August 10, 1969; Sarro, Ronald, “Freeway Foes Clash With Police,” *The Evening Star*, August 9, 1969; Swanston, Walterene, and Sarro, Ronald, “Bridge OKd, Foes Threaten Suits,” *The Sunday Star*, August 10, 1969]

President Nixon called Chairman Hahn after the vote to thank the city council for breaking the subway-freeway impasse. According to the *Star*, “The President said he understood the decision was a difficult one, since the council had stood squarely with the freeway opponents.”

Jack Eisen wrote of the council chamber battle that, “The episode left participants and spectators shaken and could not help but shock those who saw it on their television screens and read of it in their newspapers.” ECTC put out a flyer to explain its actions:

ECTC demanded 15 minutes time before the Council voted so we could strengthen their backbone and warn them not to throw away what little credibility they had. The Council refused, therefore becoming responsible for unleashing the police riot . . . .

The D.C. “government” now stands naked as a sham. Congressmen who practice blackmail will never grant home rule. Struggle, such as that against the freeways, is the *only way to win statehood!* [Eisen, Jack, “Abbott Leads Freeway Foes,” *The Washington Post and Times Herald*, August 19, 1969, italics in original]

### **Forcing the City’s Hand**

On Monday, August 11, the House debated the District of Columbia Revenue Act of 1969. Section 903 stated:

No funds may be appropriated [for the Federal payment] until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway

Act of 1968, and has committed itself to complete such projects, or (2) the District of Columbia has not begun work on each of those projects or made or carried out that commitment solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Representative Broyhill, the author of this provision, told his colleagues “there is no provision more vitally important to the citizens not only of the District of Columbia, but of the entire metropolitan region.” The Washington area needed a balanced transportation system that included the freeways and “a far-reaching subway system.” The adjacent jurisdictions supported both, as did the President, but “the matter stands on dead center because the District of Columbia Council, in deference to the clamor of a small, selfish segment of the city’s population, thus far has shown no inclination whatever to comply with the 1968 Highway Act . . . .”

In view of the officials’ constitutional obligation to carry out the laws of the land, “I find the defiant attitude of the Council in this matter incomprehensible.” Section 903 was intended to put an end to “this galling situation.”

Representative William D. Edwards (D-Ca.) objected:

I am ashamed of the recent misuse of congressional power in the District, I am ashamed of the use of blackmail, withdrawal of funds, and threats used to blackjack the City Council of Washington, D.C., into accepting a freeway plan and the Three Sisters Bridge.

Comparing the action to the pre-Revolutionary War complaint of “taxation without representation,” he wondered if the House might consider letting District residents vote on the freeways and bridge.

Chairman Natcher was the next to speak. The area, he said, needed a freeway system and a rail rapid system, but that “in order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the presently authorized rapid rail transit system.” He strongly supported Section 903. His subcommittee would quickly appropriate the \$18.7 million in subway matching funds as soon as it received the President’s assurance that “work” on the Section 23 projects, including the Three Sisters Bridge, had begun and that the District of Columbia “has committed itself to complete such projects.”

Congress had the right to expect the corporation counsel’s office and, if necessary, the Attorney General to defend the freeway projects to achieve a speedy decision by the court: “Not months or years but a few weeks.”

If lawsuits were filed, he predicted:

There is every reason to believe that President Nixon will continue his efforts to see that this impasse is solved and will instruct the Attorney General to assign able members of his staff to assist the Corporation Council’s Office in successfully defending any and all litigation which may result from the action of the District officials.

However, if construction were delayed by court challenges, he would recommend release of the subway funds only after the litigation had been “successfully concluded with all orders, decrees and judgments complied with in full by District officials.”

As far as he was concerned, if everyone would “join hands and stop all unnecessary delays and procrastinations there is no reason why rapid rail transit money should not be included in the District of Columbia appropriations bill for fiscal year 1970.”

He did not blame WMATA’s leadership for the delay. District officials were at fault. The freeway system had been approved, he said, in the late 1950s after a 5-year study, but beginning in 1962, “every effort was made to destroy the freeway system.” He recounted the story of how in 1966, his subcommittee urged the House to withhold subway funds until the freeway system “started and reached the point of no recall.” The House approved, but before the Senate took up the measure, NCPC approved the freeway system on a 6-to-5 vote. The Senate approved the subway funds and the House went along in the final bill. Shortly after President Johnson signed the bill, NCPC “was called back into session and by changing one vote the freeway system was brought to an abrupt halt.” Chairman Natcher said:

Our committee and Congress understood at that time that we had been misled and that deceit of the greatest magnitude had taken place.

A lawsuit resulted in a decision by the U.S. Court of Appeals in February 1968 that brought freeway development to a halt. “The suit was not vigorously prosecuted, and every effort was made to kill the freeway program.” He added, “We certainly do not want this to happen again. This suit dragged on from 1966 to February 1968.”

These actions led to Section 23 of the Federal-Aid Highway Act of 1968. Given the “notwithstanding” language in Section 23, the courts “should refuse to grant any injunction or any relief which would stop the freeway system from going [sic] underway.” If a suit is filed, he expected a judgment in weeks, not months or years, to allow construction to begin. But just in case of any change in the District Building, “then as a matter of protection to the Congress and the law we passed in 1968, let us see that that law is complied with.”

He concluded:

Under no circumstances do we intend to make any effort to stop the authorized rapid rail transit system from going under construction. We want this to take place immediately and we want full compliance with the 1968 Federal Highway Act immediately.

Mr. Chairman, we will solve the freeway-rapid rail transit impasse and when we do it will not be cited as a victory for any Member of Congress or for the Public Works Committee, but will be recorded in history as a victory for our Capital City.

Chairman Fallon thanked Chairman Natcher for his support of Section 23 and asked if his statement included study of the North-Central Freeway. Chairman Natcher confirmed that the restudy was required.

Representative Broyhill wanted his colleagues to realize that “if we do anything to cause delay in the construction of freeways, highways, and bridges, we could very well wind up by being penny wise and pound foolish, because it could mean more years of delay in acquiring these much-needed facilities.”

Representative Broyhill referred to the “notwithstanding” provision of Section 23. Given that provision and his amendment, “there would be no requirement in existing law that would convey a right to anyone to demand a public hearing prior to the construction of these highway facilities”:

So I think it is pretty much of a moot question. Yet, it would be somewhat unfair to adopt this language with reference to the President and the City Council in good faith, and then to have a harassment suit filed by someone representing a minority group, and perhaps have some court issue a temporary injunction until the matter was properly adjudicated and thus delay the appropriations and construction of a vitally needed transportation facility where an agreement has been worked out by people in responsible positions.

I would hope that the gentleman would not be too stringent insofar as forbidding some citizen from filing a suit, even though the language is in his favor.

Chairman Natcher agreed that the “notwithstanding” in Section 23 rendered any court challenge moot. “The court should refuse to grant any injunction or relief which would stop the freeway system from going underway”:

But just as a matter of protection, if there is any change downtown [the District Building], and I hope not – and when I say downtown I do not mean the White House –but if there is any change downtown, then as a matter of protection to the Congress and the law we passed in 1968, let us see that the law is complied with. I hope we will not have any trouble.

Representative Adams pointed out that, “The city government has now voted on it” and the matter was now moving forward. He was confident that if a lawsuit were filed, the city and the President, through the Attorney General, would defend the city’s actions. He did not want Congress to “put the onus on the city to do something they cannot control.”

Chairman Natcher began, “as I have just explained to Mr. Broyhill,” the city had not vigorously defended the suit filed in 1966 until its final resolution in 1968 while Congress “waited patiently” for the freeway program to resume work. If a suit were filed and the city said it could not move forward, “we are sorry, Mr. Adams, to be very frank and in order that there be no misunderstanding, I will never come into this House and ask that the Public Works Committee be repudiated and that we void the law of 1968.” Instead, he and Representative Davis would go to the President to have Attorney General John N. Mitchell “assign able lawyers to assist with any suit.” He would recommend to his appropriations subcommittee “that the budget of fiscal year of 1970 be held up until the suit is determined and finally decided.”

Representative Adams clarified his concern. If the lawsuit is filed, and the President assured Congress that “the suit is legitimately fought and the President legitimately assured this Congress that it has been – all I am asking is at that point that the Congress say we will release these funds, because we will not wait on the judiciary to tell us how to legislate.” He “would plead” with Chairman Natcher that in that case, “we not automatically assume the situation of 1966 is going to be repeated, because I do not think it will be.”

Chairman Natcher replied that in the event of a suit, “I know the President of the United States will help us.” He would have Attorney General Mitchell work with the corporation counsel to move the suit along. In that case, Chairman Natcher would agree with Representative Adams that “it would be a moot question.” However, until “a suit is moved along,” he will not ask the House to repudiate the Public Works Committee by ignoring the 1968 Act. He added, “we had our experience in 1966, and I say to the gentleman from Washington [State] let us not have it again.”

Representative Adams asked if Chairman Natcher would accept “a good faith position prior to some final order”:

We will do all we can to help if any suit is filed but our experience of 1966 was enough. My original statement stands, Mr. Chairman, as [to] any or all suits and the position of our subcommittee.

We want to recommend the rapid transit money and we should all join hands and see that any suits are quickly decided.

[“District of Columbia Revenue Act of 1969, *Congressional Record-House*, August 11, 1969, pages 23108-23120]

Jack Eisen described the floor action:

Reps. Joel T. Broyhill (R-Va.) and Brock Adams (D-Wash.), who had moved to force city compliance with the controversial 1968 highway act in order to win subway money appeared stunned and angry when they learned of Natcher’s position shortly before he made his speech.

They hoped, however, to give the city an escape hatch if the highway program was blocked in court.

While Natcher listened impassively, Broyhill and Adams huddled and talked with him animatedly on the House floor.

Eisen added that after Natcher finished his initial statement, “there was a ripple of applause, chiefly from the Republican side of the House.”

After about 6 hours of debate covering many other issues, the House approved the bill by voice vote. The House left the Broyhill amendment unchanged. The bill would now go to the Senate

where the District Fiscal Affairs Subcommittee under Senator Thomas F. Eagleton (D-Mo.) had scheduled a hearing for the next day.

Chairman Hahn, who was on vacation in Massachusetts, released a statement indicating he was “disappointed” by Chairman Natcher’s position. “In voting Saturday at the city council meeting on the provision with the Federal Highway Act of 1968, I was led to believe that the vote would result in immediate release of the subway money.”

Vice Chairman Tucker told reporters that the city council had “been led to believe by people close to Natcher” that their vote would bring release of the subway funds. Otherwise, the city council never would have reversed itself. “I can’t help but feel the government and people of the District of Columbia have been double-crossed.”

ECTC attorney Landon G. Dowdey said Chairman Natcher’s stand “serves the City Council right.” He stated that freeway critics were “not going to jump through the hoop and file suit tomorrow” to speed up the process. Bruce Terris promised, however, “We’re going to sue, no matter what.” He added, “We told the City Council exactly this: ‘if you give in to blackmail, you’ll be blackmailed forever.’” [Eisen, Jack, “Natcher Links Funds for Subway To Settlement of All Freeway Suits,” *The Washington Post and Times Herald*, August 12, 1969]

On August 12, the *Star*’s William Grigg put Chairman Natcher’s words in context. His speech “may not have been quite the threat it seemed.” Far from a threat, “he was providing an outline of an understanding that he, as chairman of the House Appropriations subcommittee on the District, felt he has achieved with President Nixon”:

The understanding gives the President a major role in deciding when his local appointees have brought the city into compliance with the Highway Act of 1968 and thus qualify for subway construction funds.

President Nixon and Chairman Natcher understood, as the city council apparently did not, that the District matching funds could not be released immediately. They had been authorized, but could be released only in a District of Columbia appropriation act. The “next bill that can carry the subway money is the District budget. It is not likely to clear Congress – for reasons unrelated to the subway or freeway projects – until October.” The revenue bill under consideration in Congress could not carry the appropriation of the matching funds.

President Nixon and Chairman Natcher also understood that a great deal of “work” could be accomplished on the freeways prior to the appropriation. In addition, they were convinced that in view of the “notwithstanding” phrase in Section 23, “no valid legal arguments can be raised by anti-freeway forces . . . against the straightforward directive on freeway projects in the Highway Act of 1968.” By contrast, the suit resolved in 1968 after 2 years involved an 1893 statute “in which it was less clear what Congress wanted done in the District” under the current Interstate program.



A member of the District corporation counsel's office agreed with Grigg that legal issues would have to be more narrowly defined in a new suit. However, "he was not ready to predict that a suit could be handled in days or weeks, as Natcher seems to feel":

According to Natcher's view of his discussions with Nixon, then, the President feels that, the District can quickly get the courts to dispose of any request for a work-stopping injunction against the bridge and other projects . . . .

The tip-off that this already has been discussed with Nixon came next [after the reference to weeks] in Natcher's statement: "I have every reason to believe that President Nixon . . . will instruct the attorney general to assign able members of his staff to assist the District's corporation counsel's office . . . ."

This wording made clear that Chairman Natcher "has turned over to the President" the decision on when "work" on the freeway projects was "under way beyond recall." By contrast, if the President did not do so and if lawsuits were filed, Chairman Natcher would release the funds as soon as the litigation was resolved:

This gives the President leverage over sometimes balky appointees such as Hahn himself who, according to congressional sources, delayed until last Saturday a City Council vote on freeways that Nixon had requested be scheduled before he left on his round-the-world trip.

It now appears, from Natcher's statement, that the President has taken a major role in the negotiations that now promise both a bridge to Virginia and an area subway.

It also appears that Natcher is confident that Nixon will continue to push for action on these projects. [Grigg, William, "Natcher Hints Nixon Subway Accord," *The Evening Star*, August 12, 1969]

The following day, Senator Tydings delivered a brief speech during "routine morning business" on the Senate floor to say that the events of recent days convinced him "that we are at last moving forward on the mass transit system." His contacts with everyone involved, including President Nixon, convinced him "the subway will be started by year's end, just in the nick of time to save it."

He summarized the freeway dispute, the intervention of Section 23 of the 1968 Act, and the city council's action in December 1968 in authorizing most of the freeway plan but blocking two of its parts, including one that Section 23 had ordered to be built and one that was to be studied:

The impasse between Congress and the City Council over highways lasted nearly a year, with the subway held hostage.

Meanwhile, inflation relentlessly eroded the financial plans upon which the transit system is based.

The financial plan would be “obsolete by the end of this year,” and once that plan lapsed, “the transit system itself will collapse, not to be revived for a decade or more.”

After all the delays, collapse of the mass transit plan “would be an unparalleled disaster for the National Capital.” The years needed to revive a rail transit plan would result in pressure for more freeways:

In view of the strong possibility that the subway will be permanently derailed by collapse of its financial plan, what Washington faces is not a question of highways versus subways, but rather the question of whether there will be a subway at all or only more highways.

It is worth noting that the subway system was never intended to replace needed highways, but rather to complement them in a balanced transportation program.

Nor could the subway replace the highways in many parts of the Washington metropolitan area which the subway will either never reach, or at least will not reach within the next decade, under current plans.

Senator Tydings had reservations about some of the freeway projects:

But the need for the subway is so urgent, and the number of additional roads eventually required if the subway is lost is so great that I have devoted a substantial part of my time in the past three weeks attempting to help resolve this issue.

The city council’s action in reversing its opposition was a “belated, but essential, act of political realism and responsible urban planning.” But along the way, a year “has been lost.”

Nevertheless, the area was on the verge of achieving a balanced subway-highway program:

It remains now not to “lose our cool” as the last steps are taken toward release of the subway funds. This is no time for loose lips or hot heads.

His experience over the past 2 weeks talking with Chairman Natcher, Secretary Volpe, and President Nixon and his staff “convince me that, if cool heads prevail, subway construction can begin by year’s end”:

Law suits need not deter it if they are vigorously defended. Good faith on all sides can, I believe, assure subway construction and replace the suspicion and hostility which has imperiled Washington’s transportation plan. [The Washington Area Transportation System, *Congressional Record-Senate*, August 13, 1969, page 23781]

Apparently unaware of Senator Tydings’ statement, Chairman Hahn interrupted his vacation to release a statement on August 13 regarding Chairman Natcher’s speech and comments on the House floor:

I ask on behalf of the citizens of Washington that Congressman Natcher clarify his statement to the satisfaction of all concerned. If not, it is apparent that I am left with no other choice but to consider calling the Council back into session for the express purpose of reconsidering our action of Saturday.

He said the city council had acted “with the clear understanding that the Congress would, when it reconvenes, release the subway funds.”

Vice Chairman Tucker, reacting on August 14, supported Chairman Hahn’s position, but suggested that the city council wait until the House acted on the District’s appropriations bill, 1970. “If subway funds are not included, then it is my firm opinion we should at that time either reverse our decision of last Saturday or resign.” Aware of Senator Tydings’ warning, Tucker said the council had “kept its cool,” but, “I think it is time for others to stop speaking for Mr. Natcher and predicting what he will do.”

The *Star* pointed out:

The Hahn threat came as other officials were trying to smooth the path toward final resolution of the freeway controversy that has caused many months of delay in the start of subway construction.

Director Airis announced on August 14 that he had ordered work to resume on design of the bridge substructure. He estimated the city would need about 5 months before contracts could be awarded for construction. [“New Fight Over Span Threatened,” *The Evening Star*, August 14, 1969; “Tydings Hopeful on Subway,” *The Washington Post and Times Herald*, August 14, 1969; Moore, Irna, “Tucker Asks Council to Defer Negative Action on Freeway,” *The Washington Post and Times Herald*, August 15, 1969]

On the eventful day of August 13, Arlington County announced that it would formally drop its 1966 lawsuit – moot in view of court rulings affecting the Three Sisters Bridge – opposing the Three Sisters Bridge under certain conditions. Dr. Kenneth M. Haggerty, chairman of the county board, said that he had received private assurances from FHWA, NPS, and the Virginia Department of Highways, but wanted those assurances in “an ironclad agreement” before the county withdrew the suit.

Dr. Haggerty said the county wanted a balanced transportation system “at the earliest possible moment.” To achieve that goal, the county board had unanimously agreed to stop fighting the Three Sisters Bridge under 13 conditions. The highest priorities were that the bridge not destroy any homes, that parkland used for the I-266 approaches would be replaced on an acre-by-acre basis, and that the county would have a say in future air rights in the Rosslyn area. Other conditions included the widening of U.S. 29/211 between North Kenmore Street and Rosslyn and an additional lane on the George Washington Memorial Parkway from the Spout Run Parkway to Key Bridge. [Crosby, Thomas, “Arlington Lists 13 Conditions For OK of 3 Sisters Bridge,” *The Evening Star*, August 14, 1969]

*Star* editors criticized Chairman Hahn for violating Senator Tydings' warning about "loose lips." Within hours of the Senator's speech, Hahn "began to waggle away in just about the most irresponsible manner imaginable." After repeating the assurances from officials in recent statements, the editorial said of Hahn's comments, "The political absurdity of this statement is surpassed only by its pomposity – as indeed Gilbert Hahn seems incapable to being anything but pompous and absurd on any aspect of the District's relations to Congress." He seemed to believe that "he has no responsibility" for the District's relations with Congress – that was Mayor Washington's job:

And the mayor too often has failed to exert real leadership in futile attempts to seek a united front with the council.

In this instance, Mayor Washington certainly should heed the counsel of Tydings, Adams and Broyhill sufficiently to dissociate himself from Hahn's ridiculous threat. And for the sake of the city, on this issue, Hahn should button his lip. ["Loose Lips," *The Evening Star*, August 15, 1969]

*Post* editors also took exception to Chairman Hahn's statement. Saying Hahn was "clearly ticked off by the tenacity with which Mr. Natcher has been clinging to his position," the editors described the threat to revisit the vote as "a foolish gesture that would accomplish nothing at the risk of antagonizing friends of the city in Congress who are more than a little fed up with the whole controversy." What was "really frustrating" was that city officials could do little until the appropriations act was completed.

The editors were not certain they agreed with Chairman Natcher's assertion that any lawsuits could be resolved in weeks because of the "notwithstanding" phrase in Section 23. "We hope he is right in this judgment. The Washington area cannot afford to wait until next year to start its subway system." ["The Bridge to the Subway," *The Washington Post and Times Herald*, August 16, 1969]

### **President Nixon Intervenes**

On August 17, the "western White House" in San Clemente, California, released an exchange of letters between President Nixon and Chairman Natcher that prompted the *Post* to headline its article:

#### **Metro Funds Now Assured, Nixon Feels**

The *Star* was a bit more cautious in its banner headline on page one:

#### **Nixon Pushing on Subway Funds**

On August 12, President Nixon wrote a "Dear Bill" letter to Chairman Natcher thanking him for his "diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system . . . ." He continued:

As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned – central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The President summarized recent events in support of the balanced transportation system they both supported. Following the city council's vote on August 9, the city directed the Department of Highways and Traffic "to implement immediately the requirements of the [1968] Act." Secretary Volpe directed Administrator Turner to rescind his predecessor's letter of January 17, 1969, modifying the District's Interstate System and to work closely with District officials to complete the construction work on the freeways and the study of the North-Central Freeway. Turner, in a two-sentence letter on August 13 to Airis, rescinded the January 17 letter; the second sentence explained: "This action reinstates the System to its status as covered in 'The 1968 Interstate System Cost Estimate,' and as referenced in the Federal-Aid Highway Act of 1968."

In addition, President Nixon said he had directed Attorney General Mitchell and Secretary Volpe "to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act."

He concluded:

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the \$18,737,000 deleted from the Supplemental Appropriation bill together with the \$21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

Chairman Natcher replied on August 13. "As you know," he said, the committee had long "believed that there is a place for both a freeway and rapid transit system and that in order to meet the tremendous day-by-day growth of traffic our highway program must be carried out along with the presently authorized transit system."

The recent steps by the city council and others "should place" the District Department of Highways and Traffic in a position to "begin work" on the Section 23 freeways "and to continue this work until all of the prescribed projects are completed." Everyone would be glad to hear that work had actually started. As for lawsuits:

I definitely am of the opinion that the Corporation Counsel of the District of Columbia, together with assistance provided by the Attorney General, will succeed in obtaining a favorable decision for our Capital City.

He explained that the transit matching funds "cannot automatically just be released, but must be incorporated in appropriation bills and the bill which would be the vehicle is the District of

Columbia bill for fiscal year 1970.” When work on the Revenue bill was completed, the Committee on Appropriations would “then be in a position to pass on [the] rapid transit request at the time we mark up our budget for the District of Columbia . . . .” He anticipated that any lawsuits “would be out of the way by the end of the mark-up of our bill, and the provisions of the Highway Act of 1968 should be in the process of being carried out by the District of Columbia thereby placing us in a position to take up” the transit appropriations.

Chairman Natcher concluded:

Mr. President, it behooves all of us to solve the rapid rail transit-freeway impasse, and again I want to thank you for your assistance.

The President’s spokesman told reporters that he considered Chairman Natcher’s reply “to be a positive one.” The President believed he had taken the steps needed to assure the funds would be released soon. The letters were “signs of real progress.” An unnamed official said, “I think both letters indicate a feeling of confidence there will be no stumbling block by the time of the mark-up.” Natcher’s letter “represents significant progress toward the balanced transportation system.”

The *Star*’s article about the letters pointed out that “Natcher still did not make an unequivocal commitment to release the rapid transit funds if any anti-freeway lawsuits still are pending” at the time of the mark-up of the FY 1970 appropriations bill. Still, the White House was optimistic that any such suits would be “out of the way” by then.

The agreement to involve Attorney General Mitchell was understood to be an informal one. In the absence of a pending lawsuit, Department of Transportation General Counsel R. Tenney Johnson told reporters that any assistance from his office would be “a routine kind of action” to help the Justice Department prepare its case, rather than directly helping the corporation counsel. A Department of Justice spokesman added that Justice would offer the city “any help we can.”

Representative Adams, appearing on WRC’s “Dimension Washington,” said that even prohighway forces realized “they cannot survive with the present system,” and that the city needed the subway rather than more freeways. “It is only now getting to the conscience of Congress that freeways are a bad thing.” He added, “I don’t think there will be another freeway program here if this present system is finished.” [Prince, Richard E., “Metro Funds Now Assured, Nixon Feels,” *The Washington Post and Times Herald*, August 18, 1969; Horner, Garnett D., “Nixon Pushing on Subway Funds,” *The Evening Star*, August 17, 1969; District of Columbia Appropriations, 1970, *Congressional Record-House*, November 24, 1969, page 35528]

In the wake of these positive signs, BUF called for the resignation of the four black members of the city council who voted for the Three Sisters Bridge on August 9. Letters suggested that Vice Chairman Tucker and members Haywood, Moore, and Yeldell send their resignations to President Nixon because the city council had become “a political eunuch” as their acquiescence to congressional indifference to the city’s needs. The letters also advised that the members’ letters of resignation should advise President Nixon to initiate home rule because without it, “the D.C. community may well . . . deteriorate . . . into racial war.”

The four council members declined to resign. According to the *Post*:

Tucker yesterday repeated his position that he will resign if Congress does not include subway money in appropriations bills now before the House, or if the Council does not reverse its position on the Three Sisters Bridge. ["Black Front Demands 4 Councilmen Resign," *The Washington Post and Times Herald*, August 19, 1969; "Quit Council, Black Front Urges Four," *The Evening Star*, August 18, 1969]

Booker held another press conference at the District Building on August 21. ECTC was in no hurry to file a lawsuit to block the Three Sisters Bridge, but when it did, Booker vowed to fight the project "all the way up to the Supreme Court." Lawyers were drafting the lawsuit, and Booker assured reporters that ECTC was "picking up more support every day" for the action. He also criticized President Nixon's suggestion that Attorney General Mitchell and Secretary Volpe would help the city "vigorously defend" against agreement in court. Such a step constituted "an unprecedented intervention," Booker said. ["Delay Seen in Court Action Against Three Sisters Bridge," *City Life*, *The Washington Post and Times Herald*, August 22, 1969; "Suit Is Delayed By Bridge Foes," *The Evening Star*, August 23, 1969]

### **Three Sisters Bridge Construction Plan**

On August 28, Director Airis's timeline for complying with Section 23 of the 1968 Act was made public.

Director Airis had scheduled construction of the Three Sisters Bridge to begin on December 22, but hoped "to beat that date if I can." On August 13, Federal Highway Administrator Turner had restored the bridge to the Interstate System as I-266, ensuring its eligibility for 90-10 Interstate funds. Virginia approved the bridge on August 19. The NPS permit was pending, but Airis expected it to be completed promptly. About 50 percent of the design work was complete, with the first construction set to involve sinking two piers into the river to support the six-lane span. Already, a barge was moored at the mouth of Spout Run with a contractor's equipment to bore into the riverbed to take samples of the bedrock on which the bridge foundations would rest. Working on the test borings began on August 29. Bids for the construction contract were to be requested on November 10.

Airis expected to request bids in May 1970 for construction of the Potomac River Freeway, with construction to begin in the second half of the year. The first section was to run from Wisconsin Avenue to 31<sup>st</sup> Street, NW. Right-of-way acquisition for the freeway between 31<sup>st</sup> Street, NW., and Key Bridge began on August 13. On August 21, Airis had asked NPS for a permit.

Most right-of-way for the Center Leg Freeway between the Southwest Freeway and New York Avenue, NW., had been acquired. Airis expected to open the southern section between the Southwest Freeway and Massachusetts Avenue in July 1970. The northern section between Massachusetts and New York Avenues was scheduled to open in January 1973.

Construction of the East Leg Freeway between Barney Circle and Bladensburg Road was to begin around January 10, 1970. Airis planned to advertise for bids on November 10. [Green,

Stephen, "Target Date Is Set For 3 Sisters Span," *The Evening Star*, August 28, 1969; Eisen, Jack, "Soundings for the Three Sisters Bridge Begin," *The Washington Post and Times Herald*, August 29, 1969]

In early September, Airis moved up the schedule for the bridge after rock samples showed good foundation conditions for the bridge in the bed of the Potomac River. On September 3, he called for bids for construction of the substructure for the Three Sisters Bridge, to be opened on September 17. He now expected construction of the substructure to begin on November 22, but predicted the work could begin on November 17. Design of the superstructure was underway.

Booker reacted to the news of the advanced schedule by charging that the change was "only an attempt to get the citizens to file a lawsuit very quickly so the government can move to litigate it very quickly." He said the lawsuit would be filed by the end of the year on the plaintiff's own schedule, and would challenge the legality of Section 23 of the 1968 Act. The suit would contend that public hearings must be held before the start of construction.

Airis denied the charge that the city was trying to outflank its critics. As for the possibility of a lawsuit, "I don't think it's possible to avoid that. We have gone ahead within the general dictates of the desire of the mayor, Congress, and Council to implement the 1968 act. I am doing it the very best I know how." [Eisen, Jack, "Work on Three Sisters Set to Begin Nov. 17," *The Washington Post and Time Herald*, September 4, 1969; Green, Stephen, "D.C. Speeds Three Sisters Span Action," *The Evening Star*, September 3, 1969]

On September 4, General Graham warned the WMATA board that the crisis for rail rapid transit was "much more critical now" than when the city council approved the bridge and freeway plan on August 9. If Chairman Natcher withheld the matching funds until all legal challenges to the freeways were settled, a process that could take up to a year, the delay "would destroy the Metro financial program" by erasing the contingency fund against rising costs. Chairman Natcher's position put "antifreeway forces in a position where they can and will control the timetables for release of transit funds."

After reviewing Graham's concerns, the board voted to ask Chairman Natcher to approve advertisement of bids to begin construction on the subway line under G Street. The board did not need Chairman Natcher's approval to advertise for bids, but to award the contract, would need the matching funds he was holding. However, as Chairman Babson observed, if Chairman Natcher approved the advertisement, "it will be a good indication we will get our funds." Babson instructed General Graham, who had become acquainted with Natcher while supervising U.S. Army Corps of Engineers projects in the congressman's district, to contact the chairman.

In compliance with the request, General Graham spoke with Chairman Natcher. A spokesman for Graham reported on September 5 that the chairman was "fully aware of the critical status of the rapid rail program," but was noncommittal on the bids or release of the funds. [Eisen, Jack, "Natcher May Get Metro Appeal Today," *The Washington Post and Times Herald*, September 5, 1969; Green, Stephen, "Natcher Office Queried On Subway Bids Okay," *The Evening Star*, September 5, 1969]



Although Booker was unhappy about the speedup on the bridge, *Star* editors were delighted. The speedup was “crucially important,” in part because it provided “solid evidence of the District’s determination to complete, with no further dilly-dallying, the moderate highway system directed by Congress.” Moreover, the speedup could persuade Congress to release the subway matching funds being “held hostage in order to assure the construction of a balanced transportation system.”

The editors dismissed Booker’s claim because the idea that the city would “encourage a lawsuit, now or at any time, is rather absurd.”

WMATA’s decision on September 4 to remain fully geared up to begin construction and to appeal to Chairman Natcher was another positive step. Congress, which withheld the matching funds because of “a long history of broken freeway agreements downtown,” should respond positively. “This time . . . the federal officials involved have abided by their words, and if they falter, the White House has promised to straighten them out.” The city was “playing its role straight.” What was needed was “a little reciprocation of good faith from the Hill.” [“Freeway Speedup,” *The Evening Star*, September 5, 1969]

On September 8, General Graham received Chairman Natcher’s two-sentence reply to their conversation. In the first sentence, he acknowledged General Graham’s inquiry. The second sentence assured the board that he would continue to pay attention to the situation.

WMATA Deputy General Manager Quenstedt told reporters he would give the reply to the board when it meets on September 11. “There is nothing in the letter to indicate we should go ahead and seek bids,” he said, but it would be “foolish” to advertise for bids without knowing whether funds would be available to award the contract. [Green, Stephen, “Natcher Withholds Go-Ahead On Subway Contract Bids,” *The Evening Star*, September 9, 1969; “Natcher Rejects Appeal For Subway Fund Start,” *The Washington Post and Times Herald*, September 10, 1969]

During the meeting General Graham told the board that unless construction began by the end of the year, WMATA would have to renegotiate the agreements calling for area suburbs to contribute more than a collective \$300 million to the cost of construction. The current financial plan would “lose its credibility and viability” if Congress did not release the construction funds. The result, General Graham told reporters, would mean that WMATA would have to request millions of additional dollars from the suburban communities.

Chairman Babson thought it “problematic” whether suburban voters would approve higher bond issuances. In his own Fairfax County, he thought voters would reason, “Why should we give another \$10 million when they haven’t started building yet?” WMATA, he said, would not advertise for bids.

City Council Chairman Hahn said that if General Graham’s warnings came true, “We will have lost for a generation a chance to build the subway.” [Green, Stephen, “Subway Delays Peril Support,” *The Evening Star*, September 11, 1969; “WMATA Prods Hill for Subway Funds,” *The Washington Post and Times Herald*, September 12, 1969]

As if to reinforce the concern about suburban contributions, Maryland's Board of Public Works, composed of the State Comptroller, Governor, and State Treasurer, announced on September 17 that it would dole out the State's \$500,000 contribution to WMATA on a yearly basis. The rationale was that WMATA could not spend the entire amount at one time. State Comptroller Louis L. Goldstein, who dominated the meeting, argued that the policy was "good business," because the State could invest the balance of funds in short-term Federal notes at 7¼ percent interest to earn money for the State. "Money is very tight and hard to come by these days." He added, "We're not holding up anything. It's Natcher."

His attitude was at least in part a response to comments by Carlton Sickles, a member of the Washington Suburban Transit Commission, after the Board of Public Works withheld the payment in August until WMATA provided assurances that its system would be "compatible" with a mass transit system being planned for the Baltimore area to allow for Baltimore-Washington runs. Sickles had referred to the board as "a wart on the face of state government." Further, Secretary Vladimir Wahve of the State Planning Department, told the board that WMATA had sent him an insulting letter about the withholding of the funds.

During the board's September 18 meeting, Wahve said an agreement on compatibility had been signed by Baltimore's Metropolitan Transit Authority, but WMATA had not yet signed it. Goldstein said:

I don't think people should make slurring remarks about the board when we are trying to help. When you need some of that \$500,000, let us know, and we'll have the money to you in two or three days. [Rowland, James B., "State to Stagger Transit Fund," *The Evening Star*, September 19, 1969]

WMATA countered that the State legislature had approved the funds in a lump-sum for WMATA planning and administrative work.

On September 17, the Senate District Committee approved the District of Columbia Revenue

Act with the House freeze on the Federal payment related to freeway construction. According to Chairman Tydings, the committee approved Representative Broyhill's amendment unanimously after concluding that it was still needed to keep pressure on the city not to back off its recent commitments to the Section 23 freeways. Senator Tydings said the impasse was "moving rapidly along the road to solution. I feel we will have that subway." ["Senate Panel Okays 'Hostage' D.C. Funds," *The Evening Star*, September 18, 1969; Jewell, David, "District Revenue Bill Clears Senate Committee," *The Washington Post and Times Herald*, September 18, 1969; District of Columbia Revenue Act of 1969, Report to Accompany H.R. 12982, Committee on the District of Columbia, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-429, September 24, 1969, pages 16-17]

The District received six bids for the contract to build two piers in the river to support the 1,500-foot long Three Sisters Bridge. The city awarded the contract to the Head Construction Company of Washington, D.C., with FHWA concurrence, for \$1,152,830. Airis informed Chairman Natcher by letter on September 18 that contract documents would be executed on

September 19. Airis added that, “efforts will be made to have the contractors commence operations early during the week of September 22.”

City officials were still debating how to comply with the requirement in Section 23 for a restudy of the North-Central Corridor. Officials were leaning toward hiring a consultant to conduct the study rather than having District highway officials undertake the review. While an inhouse study would be less expensive and could be completed sooner than a consultant’s review, the fear was that if the city conducted the restudy, critics would be alienated from the outcome. Deputy Mayor Fletcher would decide how to proceed when he returned from vacation in about 2 weeks. [“District of Columbia Appropriations, 1970,” *Congressional Record-House*, November 24, 1969, page 35528, “D.C. Firm Makes Low Bid On Three Sisters Bridge Job,” *The Evening Star*, September 18, 1969]

On September 18, Robert P. Mayo, director of the Bureau of the Budget, sent a short letter to Chairman Natcher clarifying the situation regarding appropriations for the rail rapid transit system:

I would like to assure you that the appropriation for fiscal year 1970 of the \$18,737,000, earlier deleted from the District of Columbia supplemental appropriation for fiscal year 1969, together with the appropriation of the \$21,585,000 in the 1970 fiscal year appropriation request, would be in accord with the program of the President. [“District of Columbia Appropriations, 1970,” *Congressional Record-House*, November 24, 1969, pages 35528]

### **A Surprise Move**

In what Jack Eisen called “a surprise move,” Chairman Natcher announced on September 24 that he would release the matching funds for FYs 1969 and 1970. He issued a lengthy statement outlining the history of the impasse and referring to Airis’s September 18 letter as clearly demonstrating “that we are in complete agreement that freeway construction . . . must proceed with rapid rail transit construction.” As a result, the time had come “to proceed with rapid rail transit construction.”

Chairman Natcher’s decision made \$120.9 million in Federal and District funds for rail rapid transit available to begin construction, subject to completion of the appropriations process. In addition to appropriations for the city’s FYs 1969 and 1970 matching funds, the total included the Federal contribution, which had been on hold, and \$34.7 million that Chairman Hansen’s Interior Department appropriations subcommittee had appropriated contingent on Chairman Natcher releasing the matching funds.

Eisen reported:

There was no clear explanation as to why Natcher, in making yesterday’s announcement, backed off from his Aug. 11 threat to hold up the money until the litigation of possible lawsuits against the city’s freeway system is “successfully concluded.”

He had been under “mounting pressure” from the White House and others. Recent examples included the September 18 letter from Director Mayo letting the chairman know that the 2-year appropriations for the subway “would be in accord with the program of the President,” which otherwise proposed cuts in programs. Chairman Natcher also had received a statement from Airis, dated September 18, outlining all the steps the District had taken to advance I-266/Three Sisters Bridge. Another factor was the Senate District Committee’s decision to retain the Broyhill amendment prohibiting release of the annual Federal payment if the city did not comply with Section 23.

As Eisen put it, “Word of the action brought jubilation to the District Building and the offices of the Washington Metropolitan Area Transit Authority.” Mayor Washington said:

I think the release of the subway funds is one of the most vital actions for the economy and stability of the Nation’s Capital and the metropolitan area. It is something we have been working for and people of all walks of life will be pleased by this move.

WMATA Chairman Babson said that release of the funds was “great news for every person in the region. Never has a city and its suburbs been more ready to go with a public improvement project.” He promised to “break ground in 75 days or less from the moment we are assured of funds.” WMATA was ready to award \$60 million in construction contracts.

President Nixon issued a statement on September 24 thanking and congratulating all those who had made construction of the system possible, including Members of Congress, Mayor Washington, the City Council, and WMATA. “More than a subway will begin in December,” he said. “A city will begin to renew itself; a metropolitan area to pull itself together.” Because it involved the Nation’s Capital, this was “an event of national significance.” [Eisen, Jack, “\$121 Million of Subway Fund Freed,” *The Washington Post and Times Herald*, September 25, 1969; Green, Stephen, “Natcher to Release Subway Fund,” *The Evening Star*, September 24, 1969]

On September 25, Secretary Volpe, who was “gratified by the action of Rep. Natcher,” dispatched Under Secretary Beggs to Metro’s office five blocks away to deliver the news in person that the Department of Transportation had arranged to release the \$37.4 million in Federal funds that had been on hold pending release of the District’s matching share. Secretary Volpe called on congressional leaders to take the legislative action needed to complete the appropriation process. The area’s transportation needs “will continue to require serious attention and energy by all parties now and in the years ahead.” He added, “It is my hope and expectation that they will be met and resolved in a spirit of cooperation rather than confrontation.”

WMATA announced that it would advertise for bids for the first construction contracts on October 9 and open the bids on November 24. Jack Eisen summarized the plans:

The two earliest subway construction projects will be at the east and west end of the subway’s G Street section, with a four-block gap between them. The work involves the concrete shell but no tracks or train-operating equipment.

One of the first two sections will run from Judiciary Square at 4<sup>th</sup> and E Streets NW five block northwestward to 10<sup>th</sup> and G Streets and will include two stations, one located partly beneath the D.C. Court of General Sessions. Its estimated cost ranges up to \$30 million.

Cut-and-cover construction will be used, in which a strip of pavement is peeled off, the earth scooped out and the ditch planked over, permitting traffic to move.

This contract included two stations, Judiciary Square and Gallery Place. Because of the cut-and-cover construction method, the contract would involve disruption to surface activities.

The other section, to cost as much as \$10 million, will run from 14<sup>th</sup> and G Streets NW six blocks northwestward to Connecticut Avenue and K Street, without stations. It will cross beneath Lafayette Square, across the street from the White House, and under Farragut Square.

For this section, a tunnel will be bored about 30 feet below the surface, which will remain undisturbed. The dirt will be brought to the surface and removed behind the Keith Theater, 15<sup>th</sup> and G Streets, on a small lot now used for automobile parking.

These two sections were part of the line that would open for passengers in 1972.

A third contract would construct a rock tunnel from Dupont Circle to Rock Creek. This tunnel would not be part of the initial 6-miles of the system, but was needed as a staging area for construction of the Dupont Circle station.

Five other contracts were to be awarded in early 1970. [Green, Stephen, "Builders Being Asked To Enter Subway Bids," *The Evening Star*, September 25, 1969; Eisen, Jack, "\$34 Million Released for Subway," *The Washington Post and Times Herald*, September 26, 1969]

Renovation of homes acquired for the North-Central Freeway was continuing. Five in the 2700 block of 10<sup>th</sup> Street, NW., had been rented and occupied since the work began. These five homes were considered an experiment to see if they could be rented. Now that they had been occupied, Colonel Starobin said he would ask the District Highway Department for funds to renovate 40 more city-owned houses. All leases extended to July 1970, with options for continuation on a month-to-month basis. These were the homes considered least likely to be removed if the city decided to move forward with the freeway after restudying the corridor. [Prince, Richard E., "Homes Rented In Freeway Corridor," *The Washington Post and Times Herald*, September 25, 1969]

With everything moving in a positive direction, *Star* and *Post* editors expressed their optimism in editorials published on September 25. The *Star* editorial began:

The freeway-rapid transit battle is all but over in this Nation's Capital, and that should be very good news for all concerned.

Noting that Chairman Natcher had been accused of “blackmail and various other things,” the editors thought “his action in holding up the transit money was necessary as a counterweight to the strident opposition of the freeway critics.” At the very least, they considered it “very doubtful that the local authorities would have given their approval for freeways had it not been for the pressure that was brought to bear by the Kentucky congressman.”

The editors hoped “all of this is behind us.” Construction of rail rapid transit could begin as soon as Congress completed work on the appropriations process. The editorial concluded:

Completion of this work at the earliest possible date is of the greatest importance to Washington and the surrounding metropolitan areas. Let’s get on with it.

The *Post* editorial began:

A great collective sigh of relief . . . greeted the announcement of Congressman Natcher that he was releasing city and federal funds so that the building of the subway may start.

As a result, the 25-mile bobtail system would be completed by Christmas 1974.

Chairman Natcher had made the point that he would not be flouted, “regardless of the degree of uncertainty and tension he generated in the process”:

So he has made his point, if that makes him happy; given the archaic system by which this city is governed, it is an easy point for the Natchers of this world to make.

At least, the editors said, he had not carried out his threat to wait until all lawsuits were settled.

In truth, he had not been alone in holding up progress:

The struggles of the last few years between extreme partisans in the dispute could shatter a dinner table conversation as readily as an argument over the generation gap or Vietnam.

Those arguments probably would continue, but “for the moment, we can be grateful that the impasse has been broken.”

Much remained to be done, including congressional approval of the 98-mile Metro system and the 18-month restudy of the North-Central Freeway. For now, however, the editors concluded:

Looking back over the past few months, the city will forgive Congressman Natcher for indulging in overkill to get his way if he will now put his great influence behind the completion of the mass transit system on the demanding schedule outlined by Metro.

[“Green Light for Transit,” *The Evening Star*, September 25, 1969; “Into the Subway Trenches by Christmas,” *The Washington Post and Times Herald*, September 25, 1969]

## Enter Senator Proxmire

From early in his career as a member of the Wisconsin State Assembly (1951-1952), Senator Proxmire was concerned about government spending. After he won a special election in August 1957 to succeed the late Senator Joseph McCarthy, he routinely raised concerns about government programs, whether military or civilian. He was a crusader for cutting frills, fat, and waste.

He believed in “a hard-nosed, critical examination of *all* government programs,” as he put it in his 1972 book on wasteful spending. He discussed the role of the Federal Government:

Abraham Lincoln defined the legitimate objects of government as doing for the people “whatever they need to have done, but cannot do at all, or cannot so well do for themselves, in their separate and individual capacities . . . .”

These are the proper functions of government. Broadly stated, they fall into three major areas: (1) the production of public goods and services; (2) to compensate for the inability of the market to allocate resources because of frictions, monopoly, or burdens that the production process places on society (e.g., the spewing of pollutants into the air or the water, which imposes costs on society not borne either by the producer or the consumer of the specific product); and (3) to achieve equity through a redistribution of income to reduce the harshness of society and to make it more humane.” [Proxmire, William, *Uncle Sam-The Last of the Bigtime Spenders*, Simon and Schuster, 1972, page 26-27]

He worried about public works projects. “Billions are spent for public goods and services produced at greater cost than the private economy can make them.” [page 141]

He wanted to review these projects from the start for a simple reason:

Traditionally, the original estimates are far wide of the final mark. One major study showed that because of planning alterations and change orders, public-works projects routinely cost twice as much as their original estimates. In addition, benefits are routinely exaggerated. They amount in reality to about half those listed. [page 144]

He argued that the “biggest savings in the federal budget could be made by ‘controlling the uncontrollable.’ It is candidate number one for pruning waste.” [page 153]

He particularly criticized the Highway Trust Fund:

As the trust fund is established, neither Congress nor the executive branch has any substantial annual control over the amount of money which goes into the trust fund or the amount which goes out. The expenditure generated by the trust fund amounts to between \$4 billion and \$5 billion a year. It is a mindless way of both collecting and spending the money . . . .

The highway trust fund effectively insulates the highway program from policy planning, economic analysis, and Congressional scrutiny . . . . One could hardly devise a system

better designed to frustrate and thwart intelligent attempts to make choices or properly order priorities.

The Federal-aid highway program “must be brought under a system of intelligent analysis.” He recommended abolishing the Highway Trust Fund, as well as other Federal trust funds. [pages 269-271]

Beginning in 1975, he would be widely known for issuing monthly Golden Fleece Awards identifying what he considered frivolous government spending. For example, in November 1981, he gave the Golden Fleece Award to FHWA for the “Worst record of civilian cost overrun in the federal government,” citing the 267-percent, \$100 billion increase in the cost of the Interstate System since 1956 when the estimated cost was \$27 billion. The overrun “dwarfs any other civil project,” he said in the press release.

Now, in September 1969, as everyone else celebrated the start of construction on the area’s much-needed rail rapid transit system, he was concerned. On September 26, just 2 days after Chairman Natcher’s announcement, Chairman Proxmire took to the Senate floor to announce that he would hold a hearing on September 30 to “question the economic justification for timing of the expenditure of large sums proposed for the District of Columbia subway, highway, and public works during this highly inflationary period.”

The city was seeking appropriation of FYs 1969 and 1970 funds for the subway in FY 1970 which, along with other transportation funds, would bring the total to \$120 million:

This is more than double the funds originally requested for the year in which initial construction was to begin.

This in turn means the eventual expenditure of at least \$2.5 billion for the subway system. In the peak years, almost \$400 million will be spent.

This is not all. Expenditures for a vast network of questionable bridges and freeways have been tied to the subway program. They include expenditures for the Three Sisters Bridge, the Potomac Freeway, the East Leg, and the North Central Freeway. Some \$370 million are involved.

Not only is this a bad time to build, but also, many of these projects are highly questionable in themselves.

The country was experiencing “excessive price increases,” with inflation at about 5.5 percent:

Except for unneeded military and space programs, nothing fuels the fires of inflation more than expenditures for public works. They bid up the price of raw materials and skilled labor. They have what the economists call a “multiplier effect,” on the economy.

At a time when the President and Bureau of the Budget were calling for cutbacks, they were supporting the start of “the biggest public works project in the history of the District of Columbia at a time of most serious inflation.” The inflation rate in September 1969 was 5.7 percent, a



product of the “guns and butter” policies instituted by President Johnson during the Vietnam War. [U.S. Inflation Calculator, <http://www.usinflationcalculator.com/inflation/historical-inflation-rates/>]

How, he wondered, can the Budget Bureau justify cutting projects all over the country “while at the same time they accelerate expenditures of subway funds here and approve highly questionable bridge and highway expenditures as part of the program?” His subcommittee would “examine those questions very closely”:

The President has urged every State and locality to cut back on highway and other public works projects. We will want to ask if the District of Columbia is doing its part.

Senator Proxmire emphasized that he considered the subway to be “an excellent long-term investment” and “obviously needed.” He was only questioning the timing of the expenditure:

It may be necessary to go ahead with the subway forthwith. But before we do so, the subcommittee and Congress should satisfy themselves that the expenditures will not add to the serious inflationary problem in the Nation.

Senator Cooper reminded Senator Proxmire of the “very unusual” Section 23 of the 1968 Act. It was “the first time I recall that anyone had ever heard of the Congress attempting to lay out a road system for a local governmental body.” The District government had not approved the road system, but the House of Representatives “asserted an authority” to direct the city to build it. The system included the Three Sisters Bridge, Potomac River Freeway, and a superhighway that “would be tunneled under the Lincoln Memorial, and Mall, and the Tidal Basin and then join the Southwest Expressway, which is already trafficbound [sic].” It also included a freeway through the center of the city “through a section in which there is very poor housing, which would drive those people out of their houses, and cause them to seek homes, at a time very difficult to buy or build a home.” [sic]

During the conference on the 1968 Act, the Senate conferees opposed Section 23, but the House conferees were adamant. Senator Cooper recalled opposing the provision in committee and eventually voting against the 1968 Act, which he otherwise supported, because of Section 23. What, he asked, would the people in Kentucky, which he represented, or Wisconsin think “if Congress attempted or asserted the authority to lay out their road system for them? We are not engineers. We have no expertise in this field”:

I hope the Senator’s committee will study this question very carefully. The effort represented in section 23 of the Highway Act is wrong in principle; it is wrong practically.

Senator Proxmire agreed “wholeheartedly about the gross unsoundness of Congress trying to legislate something that is as peculiarly local as a road system.” His subcommittee would “indeed inquire into that”:

The assumption has been made that once action was taken by the House, everyone could forget about the Senate, that we would just rubber stamp what they had [done]. It seems

to me that we do have a responsibility to consider this matter very carefully, and the subcommittee will certainly do so.

Senator Cooper recognized that it was “a very difficult situation,” because the city needed a subway system “very badly.”

Chairman Proxmire assured him that “I have been deeply concerned for a long, long time about some of the proposals involved in this matter, and this should be an opportunity for the subcommittee to go into it in detail.” He invited Senator Cooper to attend the hearing.

Senator Cooper closed the colloquy by referring again to the debate about Section 23:

The principle is wrong, absolutely wrong. The practice is wrong to attempt to impose on a city a vast highway system which it does not ask for and objects to. This is the awful situation in which we find ourselves. I do not believe the Senate should acquiesce in it.

[“Announcement of Hearings on District of Columbia Public Works Funds,” *Congressional Record-Senate*, September 26, 1969, pages 27290-27191]

Learning of the colloquy, Senator Tydings told reporters he would discuss the matter with Senator Proxmire. In the meantime, he hoped that “Natcher doesn’t lose his cool” until the hearings are conducted. A spokesman for Chairman Natcher said that he would not care to comment on the colloquy.

Reporters gathered word from unnamed sources about reaction within the Capital. One report indicated that Senate Majority Leader Mansfield and Majority Whip Edward M. “Ted” Kennedy (D-Ma.) planned to introduce a “subway amendment” to the revenue bill. It would withhold freeway funds until the subway was under construction. (Senator Kennedy, brother of President Kennedy, had taken office in November 1962 after winning a special election. As described in *Busting the Trust: Unraveling the Highway Trust Fund 1968-1978* on this Web site, he would emerge as a strong foe of urban freeways and a strong supporter of transit, including the use of Highway Trust Fund revenue for urban transit systems.)

Another report indicated that Senator Mansfield shared Senators Proxmire’s and Cooper’s objection to the Senate simply “rubber-stamping” House actions in the freeway-subway controversy. A source told reporters that Senator Mansfield had barred action temporarily on the revenue bill because of the Broyhill amendment making the Federal payment contingent on freeway construction. William Grigg reported:

The Senate objections may be removed early next week. One source refused to confirm that Mansfield held up the revenue bill but said the Senate District Committee has explained to “someone” who had asked about the freeway proviso that it was needed to assure that the House would approve subway funds.

The source said the explanation apparently had proved acceptable. He predicted that the bill, with the proviso, would get final Senate action soon, probably Monday [September 29].

Meanwhile, Senator Cooper planned to introduce an amendment on September 30 to strike the Broyhill amendment from the revenue bill. As reporters explained, Chairman Natcher had agreed to appropriate the District's matching funds for the subway, but the Broyhill amendment gave him a new "hostage" provision that he could use if the city backed away from its commitments to the Section 23 freeways:

Supporters reported that Cooper's move was prompted by continuing opposition to the freeway package by Mrs. Elizabeth Rowe, former chairman of the National Capital Planning Commission. [Jewell, David A., "Subway Snagged In Senate," *The Washington Post and Times Herald*, September 27, 1969; Brigg, William, "3 Senators Rap 'Hostage' Fund Proviso for D.C.," *The Evening Star*, September 27, 1969; "Cut Freeway Edict From Bill on D.C. Revenue, Cooper Asks," *The Evening Star*, September 30, 1969]

The editors of the *Star* and *Post* saw Chairman Proxmire's statements as perilous. A *Star* editorial titled "Perils of Transit" compared the situation to the melodramatic 1914 movie serial *The Perils of Pauline*, a comparison that had been used occasionally over the years during the impasse. (Pauline, played by Pearl White, was in peril at the end of each of the 20 installments, only to escape in the nick of time at the start of the next installment. Since then, the name of the movie had become attached to public situations that seemed to have the same "cliffhanger" aspect.)

The previous week, editors wrote, the subway had been "rescued in the nick-of-time from the clutches of the House Appropriations subcommittee." Now, however, the "orphans of the legislative storm merely moved from the buzz saw operated by the House villains to the edge of a cliff where a handful of dastardly senators are threatening to deliver the fatal push." Have faith, the editors suggested, because just as Pauline was "invariably snatched from the railroad tracks, so will Rapid Transit and the Freeway, in the end, be saved by the men in white hats."

Senators Cooper, Mansfield, and Proxmire had always had questions about one or more of the freeways. "It would be too much to expect that they could forgo another chance, despite the fact that the basic issues have been debated and approved several times already."

Now along came Senator Proxmire with "a new objection" about starting the projects as the Nixon Administration escalated its war on inflation:

He is, of course, quite right. The highway program and the subway should not be started now. They should have been started a few dozen months ago.

But they weren't. And so the only reasonable alternative is to get going.

*Post* editors, in an editorial titled "Sen. Proxmire's Perilous Course," wondered if the Senator was serious:

We hope he isn't because we doubt that anyone could endure further public confrontations over whether the Three Sisters Bridge should be built or whether Congressman Natcher was playing dirty pool or smart politics when he insisted that the subway and bridge go forward together or not at all – and the rest.

The freeway issue had generated so much emotion that it could be settled only a week earlier when freeways and subways finally were given the go-ahead.

Senator Proxmire had been silent all these years while his counterpart, Chairman Natcher, held up the subway funds. “Now that a contract to build the bridge has been let, it would seem to be somewhat belated to raise questions about the *timing* of spending for the projects.” Although his target was apparently the freeways, “he is likely to do mortal damage to the subway too, since its financing depends on its going forward at this time.”

Perhaps Senator Proxmire was only trying to demonstrate that the Senate had power to match Chairman Natcher’s demonstration of House power, “but that does not make his action any more defensible.” The issue had been resolved with passage of the Federal-Aid Highway Act of 1968, which Senator Proxmire had voted to approve.

The freeway debate had been very divisive, as reflected in the fist-flying protest on August 9 when the city council approved the last elements of the Section 23 plan:

The wounds left by the dispute undoubtedly will take a long time to heal. It is questionable whether any useful purpose can be served by reopening them at this time.

[“Perils of Transit,” *The Evening Star*, September 29, 1969; “Sen. Proxmire’s Perilous Course,” *The Washington Post and Times Herald*, September 30, 1969, italics in original]

### **The Proxmire Hearing**

On September 4, President Nixon released a statement on the construction industry. It began, “The cost of building a home or an apartment house has become exorbitant.” Demand for housing was one of the factors affecting inflation. “The entire construction industry has been laboring under demands that have strained its capacity. And these heavy demands will continue.” Therefore, he would take short-term actions to relieve strains on industry costs as well as long-term steps to accelerate the industry’s capacity.

To provide for “more orderly building for the 1970’s,” he directed all Federal agencies “to put into effect immediately a 75-percent reduction in new contracts for Government construction.” Projects “of the highest social priority” would be carried forward as planned. This reduction applied only to direct contracts of the Federal Government, such as contracts awarded by the U.S. Army Corps of Engineers, not to Federal-aid or other construction grant funds to State and local government.

In addition, he said, “I strongly urge the State and local governments to follow the example of the Federal Government by cutting back temporarily on their own construction plans.” Their compliance with his request would determine whether he would have to “restrict the commitments for construction that can be financed through Federal grants.” He would give “due notice” if that step became “unavoidable.” He also urged “businessmen to reappraise their current construction plans, and to postpone projects that are not immediately essential.”

He announced that he was taking other steps to provide for training and vocational education to increase the number of skilled laborers for the construction industry, the shortage of which was one of the factors in inflation. He also established a Cabinet Committee on Construction, including the Secretary of Transportation, to review government programs “to assure that Government is not in its own programs and policies a major source of problems for the industry.” The committee also would study the Nation’s needs to ensure “that the Nation’s on-going construction needs are served in an orderly and efficient manner.”

Inflation also was a concern for FHWA. It reported that “an examination of highway construction costs shows that material prices increased at a modest rate of about 1 percent a year from 1964 through 1968, but in 1969 the rise was approximately 5 percent.” It discussed why:

Average hourly wages, the fastest rising single factor, increased at an average annual rate of approximately 5 percent from 1950 to 1967. In 1968 and 1969 the annual rate of increase was about 10 percent.

Labor factors, a measure of productivity expressed in terms of the number of man-hours used for each million dollars of construction costs, decreased rapidly from 1950 until 1964, but have now practically leveled out. The decrease in man-hour requirements can be credited to the development of new techniques, such as slip form pavers, electronic grade-control devices and larger, more effective hauling units. The increased productivity prior to 1964 helped to counteract increasing wage rates. However, when productivity levels out and wage rates climbed at an even faster rate, bid prices also started to climb at a faster rate. As an example, bid prices increased at an average annual rate of approximately 3 percent from 1961 to 1968 compared with approximately 9 percent in 1969. [*Stewardship Report on Administration of the Federal-Aid Highway Program, 1956-1970*, Federal Highway Administration, Department of Transportation, April 1970, page 69]

President Nixon’s anti-inflation campaign was on Chairman Proxmire’s mind on September 30, when he opened a hearing on the District’s FY 1970 appropriations. He was the only member from the District appropriations subcommittee in attendance. However, Senators Spong and Mathias of the Committee on the District of Columbia joined him as ex official members on the panel.

Chairman Proxmire’s opening statement explained the reason for the hearing. The city was embarking on “what may be the largest public works program any community in the United States has ever built” at a cost of \$2.5 billion. At the same time, the city was embarking on freeway construction it estimated would cost \$370 million. “When contingencies, right-of-way costs, relocation, and other items are added, in my judgment they will cost a minimum of one-half billion dollars”:

These projects are to begin in a period of very serious inflation. They are to start at the very time the President has cut back Federal construction projects by 75 percent and when he has called upon State and local officials to cut back projects over which they have jurisdiction. I have supported his position. His plea obviously should be given even

more weight here in the Capital of the country where greater Federal funds are involved and where the Nation looks for leadership than elsewhere, although everyone, everywhere in the Nation should act upon it.

In the case of rail rapid transit, the committee was being asked “to commit a double dose of subway funds in the first year and to do this at the very time when huge contracts are proposed for bridges, freeways and highways.”

He wanted to make clear that he supported the subway. “Sacrifices have been made to obtain it, and I know that a very delicate, sensitive arrangement has been made . . . . I don’t want to take any action that is going to result in an unfortunate situation where we might not get a subway and get it promptly.” Still, he felt an obligation to “question the timing of such large expenditures all at once.” The committee should “act rationally and intelligently” but ask about the economic effects, the schedule of payment, and how will they affect prices, materials, and labor in this area and the Nation.

Those same questions applied to the freeways, but “other questions are also involved.” They were subject to “deep community opposition,” he said. “Virtually every responsible party or group not having a direct economic interest has opposed them.” He also pointed out the “very real question” about whether the city should comply with Section 23 of the 1968 Act”:

Why, if these programs are to generate vast expenditures of funds in a highly inflationary period, if they are largely unwanted, and if there are real questions about their intrinsic validity, should they be built? Why should not the logic of economic analysis be applied to them? [District of Columbia Appropriations for Fiscal Year 1970, Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, 1969, pages 1417-1418]

Senator Tydings, chairman of the Senate District Committee, was the first witness, present “to plead for legislation.” It was unusual for the chairman of one committee to testify before another, but “I feel compelled to come before you today to urge this subcommittee to appropriate the full transportation request before it.”

As for the inflation Chairman Proxmire was concerned about, “each day Congress has delayed, and it has delayed for the last 2 years really on this vital project, is costing us roughly \$250,000 a day, and \$90 million a year in inflationary costs, building costs.” He agreed with the chairman that “the fate of the entire Metro mass transit plan hangs by a slender thread.” If construction did not begin in 1969, the financial plan, already jeopardized by inflation, will collapse. Suburban jurisdictions voted for bonds to pay their share of construction, but their votes and the years of planning “will have gone to waste.”

The Three Sisters Bridge had been the “primary sticking point” blocking starting Metro construction. The House refused to appropriate the Metro construction funds unless that bridge went to construction. “The House commitment to construction of the bridge is evidenced in the 3-year delay in the Metro start” and in Section 23 of the 1968 Act. The House revenue bill

“reaffirmed its intention to mandate bridge construction when it provided that no Federal payment can be made to the city until the bridge is undertaken”:

So the House refuses to fund the Metro until the Three Sisters Bridge is begun. And the Metro plan will be crushed by inflation within months, if it doesn't go ahead this year.

If the Senate blocks the bridge, Mr. Chairman, in my judgment, the Metro is destroyed at least for this decade.

His own committee had “faced up to this hard choice 2 weeks ago” when it incorporated the Broyhill rider in its revenue bill. This was a difficult decision, particularly for those who opposed the bridge. He decided to include the amendment for several reasons.

- He was convinced the House would insist on the Section 23 plans even if it meant losing Metro.
- Delaying Metro construction would increase pressure enormously for more “highways than anyone presently contemplates.”
- Opinion polls indicate the public would accept the bridge as the price for securing Metro. “These surveys include one taken by the chairman of the District of Columbia City Council, who is himself a critic of the Three Sisters Bridge and the North Central Freeway.”
- The city was taking steps to comply with Section 23 and the Broyhill amendment.
- The Broyhill amendment “provides a continuing assurance to concerned members of Congress that the city will pursue the 1968 Highway Act in good faith.” As a result, the House was willing to release the embargoed Metro construction funds.
- The city has assured the committee that the Three Sisters Bridge will not intrude on Glover-Archbold Park.
- Despite the “strongly held and frequently affirmed views” of the House, he had been assured that release of the Metro funds would follow the Senate District Committee’s adoption of the Broyhill amendment. He was convinced that any other approach “would in the present circumstances destroy the Metro.”
- Finally, while some members of the Senate District Committee had reservations about some elements of the freeway network cited in Section 23, “all the members recognized the reality of our position that the other House has strong feelings of its own on this issue which had to be taken into account. As a result, the Broyhill amendment “was an indispensable vote for the Metro system, a vote without which the Metro system will collapse.”

He spoke about the importance of Metro to the area, and closed by saying:

I can only say, Mr. Chairman, on the basis of my 5 years’ experience with the Metro, that in my view, delay or loss of the Metro would be a tragedy without equal in the history of our National Capital, a disaster from which this entire urban area might never recover.

[pages 1419-1426]

The three-member panel had no questions for Senator Tydings, with Senator Mathias explaining, “we have pumped him dry at previous sessions.”

Senator Spong offered a brief statement. He acknowledged Chairman Proxmire’s concerns, but “I cannot emphasize too much the need for immediately beginning on the Metro system.” As a commuter between Virginia and the District, he could speak from experience when he said, “I believe I can say without any fear of contradiction that if we don’t go forward at this time, it is going to be almost like unscrambling eggs to ever put the Metro system back together again.” Perhaps more than any other part of the country, Washington needed rail rapid transit and a balanced transportation system:

I think one very vital factor raised here is if we do not go forward with this mass transit system at this time . . . I predict far greater expenditure, far greater difficulty, far greater unrest in terms of more bridges and more freeways.

Given the strong support in the House of Representatives for the freeway system and the strong support in the Senate for Metro, “we just dare not falter and hesitate at this time, and it is somewhat awkward for me to sit here with you as an ex officio member of this committee, with that strong a conviction ab initio [from the start], but I feel compelled to say it.” [pages 1426-1427]

Chairman Proxmire commented on Senator Spong’s statement, “It is a fine statement, and I am certainly surrounded by powerful ex officios.”

Senator Mathias, in a statement, said he welcomed Chairman Proxmire’s statement that if the projects were justified, they should be built. “The fact is that these projects can be justified.” The projects were “important not only for some of the obvious reasons which appear, but because of their enormous substantive impact on everything that is going to happen in the Washington Metropolitan area.” With projected population increases, highways could never be sufficient. “I think if you paved the Potomac from bank to bank, from Cabin John to Haines Point, you would never carry all the cars that are going to be upon us in a few years.” Metro would not be the total answer, “but I think it is the only logical answer.” [pages 1427-1428]

Chairman Proxmire responded that he did not question the need for Metro, which he had long supported. “My question is strictly the effect that this has on inflation, the biggest public works project in the country, probably the biggest that has ever been undertaken anyway, all at once, and this is what I want to get at in the course of the questioning.” The “essence of inflationary spending” is in the timing of the expenditures. [pages 1428-1429]

He introduced a statement that Representative Gude had submitted. Representative Gude shared Chairman Proxmire’s concern about inflation, adding “it is precisely this inflation that threatens to jeopardize the financial integrity of our transit program if work does not get under way by the end of this year.” As for the freeways, “experience has proven that there can be no progress on transportation facilities without a genuine compromise involving both freeways and rail rapid transit. “Collapse of a freeway-transit agreement more than three years ago very nearly jeopardized our transit program”:



Now, I fear that any disruption of what amounts to a new transit-freeway package could lead only to more delay and the condemnation of the transit program to certain failure because of the toll of inflation.

The de facto compromise which we have achieved is supported, I believe in the Congress, the Administration and the jurisdictions of the region. I do not delude myself that all parties are ecstatic over every particular. But the compromise appears to be the best that can be achieved and far better than the alternative, which would mean no transit and no freeways. [pages 1429-1430]

The first noncongressional witness was D. P. Herman, the District's Budget Officer. He explained that on September 4, President Nixon had ordered a 75-percent reduction in new Federal contracts. The reduction did not apply to Federal construction grants to State and local governments, although the President asked for their cooperation. The District's capital outlay program was not directly affected by the announcement because the city was not considered a Federal agency. The District was exploring its construction program for areas that could be cut.

He pointed out one part of the September 4 announcement: "This limitation, which will continue until conditions ease, will still permit projects of the highest social priority to be carried forward." The city considered its balanced transportation system "to be of high social priority."

He acknowledged Chairman Proxmire's concern about the timing of expenditures at a time when inflation had prompted President Nixon's action:

Nevertheless, it is difficult to fully predict the ideal time for new construction particularly when it is associated with social need. While in some cases projects can be deferred, the fact is that new construction is needed now in the District of Columbia in many areas in order to eliminate years of neglect and to allow for unmet social requirements.

He hoped the committee would "join us in a realization of our objective of providing for unmet social needs and we assure you that the District will do its utmost to comply with the President's program." [pages 1431-1434]

Chairman Babson testified next, accompanied by General Graham, Chairman Spellman of the Washington Suburban Transit Commission, and other WMATA officials. Babson summarized the history of Metro and discussed President Nixon's September 4 statement. The basic question was whether a rail rapid transit system for the Washington area was "of sufficient social value and priority to warrant the continuation of the effort now underway" at a time of high inflation.

He referred to President Nixon's April 28 letter supporting Metro and his August 12 letter to Chairman Natcher in support of Metro after recent developments that advanced the freeway network. Babson also pointed out Mayo's letter of September 18 stating that the FYs 1969 and 1970 Metro funds "would be in accord with the program of the President." He also pointed out Budget Bureau Deputy Director Hughes's response when asked during the joint hearing about advancing the projects in an inflationary period.

Chairman Proxmire interrupted Babson's opening statement to point out that the Nixon Administration was asking less for mass transit than for supersonic transport [SST], "which in my view is just a plaything for the jet set":

They have asked for very little, and we have been pressing them hard to proceed with mass transit funds in the cities of our country, all over our country, but they have shown a peculiar indifference to it.

They have a feeling that it can be postponed. Now, when it affects us right here in Washington, there seems to be a rather different standard applied by the administration for some strange reason.

He estimated that the SST would eventually cost \$4 billion, but could be as high as \$10 billion. He admitted that WMATA had nothing to do with the SST, but was pointing out the contradiction in priorities. (Secretary Volpe was a strong supporter of SST, and kept a model of the airplane on his desk throughout his tenure.)

(On August 7, 1969, President Nixon had proposed an ambitious \$10 billion public transportation program over a 12-year period "to help in developing and improving public transportation in local communities":

The program which I am recommending would help to replace, improve and expand local bus, rail and subway systems. It would help to develop and modernize subway tracks, stations, and terminals; it would help to build and improve rail train tracks and stations, new bus terminals, and garages . . . .

Under this program, the bus, train, and subway user would have better service. Cars would travel on less congested roads. The poor could get to new opportunities for training, rehabilitation, and employment, while city centers "would avoid strangulation and the suburbs would have better access to urban jobs and shops."

(He concluded:

Most important, we as a Nation would benefit. The Nation which has sent men to the moon [on July 20, 1969] would demonstrate that it can meet the transportation needs of the city as well.)

Resuming his statement, Babson spoke of the social value of Metro, the inflationary impact of delays, and the steadfast support of regional officials for the current financial plan. "However, all are concerned over the cost of continued delay. We are coming perilously close to the break point." He added that the bond issues for construction depended on the certainty of the construction timetable. Without assurances of revenue to support the bonds, "the financial plan will not be acceptable to the bond market."

Metro, Babson continued, was always based on the need for a balanced transportation system that included the freeway network. Throughout development, WMATA had coordinated closely with regional officials involved in developing the freeways:

As a result, our requirements for manpower and materials are considered to be within the bounds of economic practicality. As we move forward, we must necessarily pay close attention to these matters and maintain complete coordination.

He ended his opening statement by quoting President Nixon's September 24 statement:

More than a subway will begin in December. A city will begin to renew itself; a metropolitan area to pull itself together. That the Nation's Capital is involved makes this an event of national significance. [pages 1434-1439]

Chairman Spellman offered a brief statement next. Like Babson, she acknowledged the concern about inflation:

However, I can think of few things short of national security which should be placed in as high a priority in our National Capital area as the construction of the rapid rail system. As they say in law, there must be a balancing of equities and I don't think anyone here would question where, on the equities scale, a project which will provide extraordinary therapy for our city's ills should stand . . . .

Congress and local officials had "a herculean job" trying to solve the area's ills, but "we know that there can be no moratorium declared there, and so we feel that this project is all the more important, because it is vital for providing jobs for the unemployed, for providing the means to reach employment for those without transportation, for providing the means for reaching educational opportunities, for reducing the pollutants in the area we breathe, just to name a few related factors."

Delaying Metro at this time would be "death." She emphasized that she was "not being melodramatic. This is a simple fact that is dictated by economic and political realities." It was not WMATA's fault that Congress had tied rail rapid transit to the freeway system. "It is most unfortunate that our transit system has been fashioned into a Siamese twin who if cut apart from his life-giving partner just won't survive. As I say, this is not something we asked for."

She said, "we ask of you please don't hold transit hostage."

She complimented Chairman Proxmire for jogging to work each day from his home at 3025 Ordway Street, NW., in Cleveland Park. She admitted she jogged only from her parking space about 20 or 30 feet from the entrance. Perhaps, she speculated, if everyone jogged to work, the area would not have its transportation crisis. "Unfortunately, we don't, and we do have a situation." She did not need to repeat what Senators Mathias, Spong, and Tydings had said, but closed by saying, "I think it needs to be recognized, that it is not a matter of do we do this now or later, it is just going to become such an impossible situation if it is postponed anymore that we will end up with freeways everywhere instead of a transit system that can move a great many people. [pages 1440-1442]

(A well-known fitness advocate, Senator Proxmire jogged 5 miles a day to work after warming up with 200 pushups; he jogged home after work. [Green, Mark J., Fallows, James M., Zwick, David R., *Who Runs Congress?* A Bantam/Grossman Book, 1972, page 212])

Director Airis and his colleagues were the final witnesses, although WMATA participated in the ensuing question period. Airis began by pointing out that the balanced transportation program “has lagged far behind other growth in the Washington metropolitan area.” Freeways had been “subjected to endless delays during the past decade with the result that the District of Columbia is ranked next to last in its interstate completion status.”

Despite this lack of progress in providing transportation facilities, “the Washington metropolitan area has continued as one of the fastest growing metropolitan areas in the entire United States during this same decade.” With a current population of around 2.6 or 2.7 million, the area’s projected population for 1990 was 4.5 million. Transportation planning for the area had to consider that increase.

Over the past decade, Airis said, the downtown area had increased by 220 buildings, with construction permits for some years approaching \$1 billion. The boom had slowed at present, with a consequent effect on employment, “but one of the things that would assist greatly in picking up this slack, of course, is some public works projects.”

Babson confirmed that the area’s unemployment rate had increased from 1.8 percent in January to 4.5 percent in December. Constructive activity was down 7½ percent over the previous year. “On this point, if I may for the record, at no point do we expect to employ more than 5,000 people in the construction program of the transit system.” He continued:

The point Mr. Airis touched on, which I wanted to make, is that although we are concerned with the inflation of the economy, I would remind the Senator that the one area which is suffering from a depression is the construction industry.

Chairman Proxmire said home building was suffering from a recession. The Housing Subcommittee was doing everything it possibly could to “get resources out of areas like business investment in plant and equipment, public works, which can’t be fully justified, highway building, and into housing.” Most economists who had looked at it said this focus on housing was what the country needed “because we have had this enormous highway building program in the country, and we have the most serious housing shortage that we have had in 20 years.” Going forward with highway building too fast “will aggravate the housing situation, as well as the inflationary impact of this program.”

Chairman Babson pointed out that once construction of Metro gets underway, WMATA had a program “to train the hard-core unemployed, and to require every contractor to hire a certain percentage of these individuals.” Airis said he supported that program.

Chairman Proxmire pointed out a recent article in the *Washington Daily News* that discussed the types of workers needed for Metro construction: laborers, iron workers, carpenters, operating engineers, electricians, miners, pipefitters, cement finishers, painters, mechanics, tilesetters, and track layers for a total of 4,600 jobs. “The overwhelming majority of these people are not people you are going to get from the hard-core unemployed to train in this program in a few weeks.” Babson pointed out that WMATA did not plan to hire all 5,000 workers when construction began in December.

Chairman Proxmire referred to an article in the morning's edition of *The Wall Street Journal* in which economists predicted inflation would continue for as much as 4 more years "and they say it may be that next year the economy will slow down a little, but not enough to slow inflation."

By this point, Airis had barely read his statement. Given the opportunity to resume, he summarized Section 23 of the 1968 Act. On August 9, he said, the city council had voted to comply with the provision.

Chairman Proxmire interrupted again to refer to President Johnson's "veto message – I should say his approval message, in which he threatened the possibility of having to veto, of August 23, 1968." He quoted the section in which President Johnson said:

Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal Highway Act. If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill.

He understood that a report had been made that recommended excluding the four projects listed in Section 23. Airis was unclear what report Proxmire was referring to. He referred to the Major Thoroughfare Plan, which included most of the projects. Chairman Proxmire noted the differences between that plan and Section 23. "So it is pretty far from compliance with the President's message."

Airis resumed his statement with the city council's August 9 approval of the Section 23 plan. The Department of Highways and Traffic was "striving diligently to get the above four projects underway, thereby fulfilling the requirements of congressional intent." These were the "initial actions needed to ultimately provide for the highway portion of the entire balanced system."

Airis said the total cost of the Section 23 projects was \$348 million, but Chairman Proxmire pointed out that this cost did not include expenditures in Virginia. Airis agreed, but pointed out that the expenditures would be spread over the years 1970 to 1976. "A sizable portion of this money will, of course, be expended to complete and make usable freeway inner loop projects that are now well underway, such as the center leg of the inner loop."

He finally concluded his opening statement by saying that the balanced transportation program for the District had been long delayed. Some freeways, such as the Southwest Freeway, were open and heavily used, but other portions "are far behind schedule." As was the case throughout the country, the District's program "will be governed by decisions of the Federal Government on the funding levels of such programs." [pages 1442-1449]

Airis mentioned that the District of Columbia was next to last among the States in progress on the Interstate System, and that Wisconsin was about 20<sup>th</sup>. He said, "we have been scraping along here on kind of a barebones program for quite a few years, and the transportation, sir, affects everybody."

Chairman Proxmire recalled the usual reason that was given for the District's low ranking, namely that it was a city without open country. Wisconsin had long distances of open country in which to build its long-distance Interstate highways. "It is much harder in the city part of

Wisconsin or the city part of all of our States to have these programs.” Airis replied, “There is no question about this.”

Chairman Proxmire, turning to WMATA, said he understood that the Department of Transportation had released \$34.7 million for the subway. Chairman Babson, said that was true, but that WMATA did not actually have the funds in hand. “We watch every mail” for the funds.

Whereabouts of the funds aside, he really just wanted to emphasize “the redeeming social value of this subway system.” Chairman Proxmire said he understood, but “it is a question of timing” with inflation so high:

It is one thing to say that we will postpone expenditures or not build something that is very good and you don’t have to have for several years. That is easy to do, but here is something that we want. I know that you have waited a long, long time.

Now, the region was “so excruciatingly close to getting it . . . . Now when you are right on the brink of it you want it so badly you can taste it.” It was just his view that “when we have a serious inflation and this in my view could set a bad example and we have to weigh our priorities one against another.”

Before leaving briefly for a vote on the Senate floor, Chairman Proxmire asked Chairman Babson to think about what the subway program could do to reduce its impact on inflation. He asked Airis “if you would think of how you can answer this question, because I think where you can make some argument that the subway program will help housing, everything that I have seen has indicated that the highway program has been devastating for housing.” More houses had been destroyed because of the highway program than urban renewal had built with public housing, “and there is a lot of resentment against it by low-income groups. Most poor people don’t have cars but they live in houses the highway program displaces.

When the hearing resumed, Chairman Babson said he would like to be able to say that the construction program could be revised to spread out over 20 or 30 years. Chairman Proxmire interrupted to say he was not concerned about 20 years from now, only about the next year or two of inflation. Chairman Babson asked:

Mr. Chairman, do you really believe that this one bill, this one project, as critical as it is for this region, is going to have that much of an impact on the national economy or the regional economy? And may I suggest that it is much more important that we proceed with this project now before it is dead.

Chairman Proxmire said every city council in the country could make the same argument. It was only \$1 million here, \$10 million there, a pittance in a country with a gross national product of \$1 trillion, but “all of these add up and this is the biggest of all, the biggest ever anywhere when you take this whole operation together.” The requested double appropriation for FY 1969s and 1970 would “trigger all this expenditure.”

General Graham pointed out that the reason for the double appropriation was that construction had been delayed a year:

Because we have already, sir, compressed our design and construction schedule in the first 5 years of this 10-year program to the maximum due to the delay that has been suffered, and if we are to complete this entire system in 10 years, we are right up against it now because of the compression that we have suffered.

What would be the difference, Chairman Proxmire asked, if the system were completed in 11 years instead of 10?

General Graham replied that the financial plans would no longer be viable to potential bond buyers. It would mean another \$100 million in inflation.

Chairman Proxmire asked about the 30-cent fare. General Graham confirmed that the entire financial plan depended on a 30-cent base fare. Asked how many subway systems around the country paid off bonds from the fare box, General Graham replied, "We don't have a case, sir, except in San Francisco, where . . . any modern system is being put together." The others were too old to trace their financing.

Could WMATA postpone future expenditures, Chairman Proxmire asked? The financial plan depended on a continuing flow of funds to complete the system by 1979. "Why," Chairman Proxmire asked, "do we have an Appropriations Committee," if the plan requires the appropriations. Chairman Babson replied, "it would require arduous efforts on the part of many people in this region to go back and undo these agreements and redo them and then try to sell them again to the local governments . . . ."

Before he could finish, Chairman Proxmire said, "We are not persuaded by the fact that you have to make arduous efforts." Chairman Babson said going back to the local communities would be "almost impossible but nothing is impossible. If the Chair wants to make it exciting for us, this would be very difficult."

Chairman Proxmire said he was not trying to make things difficult. He understood the desire to "get the money started and going so there isn't any question you can proceed." However, in this inflationary period, he wanted to find out how to proceed "in a way that will minimize the inflationary impact." He did not think WMATA or Senators Matias, Spong, and Tydings had given any thought to this subject. He did not blame WMATA; that was the responsibility of Congress "to determine what we can do with this very big and expensive program to reduce as much as we can the inflationary impact of it." They needed "some good hard answers, and not simply accept a statement from very competent witnesses that it can't be done." He asked WMATA for a "tough reanalysis" to come up with "some kind of plan and program that will show us how we can save this money or save a part of it this year."

Chairman Babson said, "Save part of it this year?" He suggested that Congress would have an opportunity each year to review the plans and cut back funding.

"Exactly," Chairman Proxmire told him, adding, "and this year we want to cut it back. This is the year." Maybe the schedule could be speeded up in the following year, or the year after that.

“With all due respect,” Chairman Babson began, WMATA was ready to go a year ago, and had it been able to do so, “I don’t think we would be in the midst of the inflationary problem that we are today.” WMATA had compressed the schedule because of the lost year “to the point now where it is almost breaking.” If it does break, they would have to go back to beg the voters to support referendums for larger bond issuances”:

Senator Proxmire. Why do you have to have a referendum if you simply slow down the rate in payment?

Mr. Babson. If we don’t get started right now, Mr. Chairman.

Senator Proxmire. You get started right now but on a limited basis.

Mr. Bason. We don’t have a plan for a limited basis. The whole plan for the region has been sold on a certain plan. The Congress directed us years ago to get to work on this. We have worked on it . . . we have begged, we have pleaded. We have been cut off by the House. The Senate has been very good to us, but now we think we are there. If we don’t get started on the plan we have now, which has been worked out in the minutest intricacies, it all falls apart. Then we have to go back and we have to have more than \$62 million from Fairfax County, maybe it will be \$65 million or \$68 million. We have to have another bond referendum under law over there . . . . Now, this is going to take place in Arlington and in all of the other jurisdictions. The people don’t believe this is ever going to happen, and if it falls flat on its face today, I think they will. . . .

Senator Proxmire. It is not a matter of falling flat on its face. It is a matter of slowing it down so that it doesn’t have the devastating, what I think will be a devastating inflationary impact, especially in terms of example.

Chairman Proxmire thought that if people understood that the project was slowing down to avoid inflationary impacts, they would “have a much stronger argument for proceeding.” General Graham pointed out that if additional referendums were needed, we would “have to win all eight of them, Mr. Chairman. We can’t lose a single one or we are dead.”

But, Chairman Proxmire pointed out, WMATA won the 1968 referendums by big margins. General Graham said WMATA could not predict success in future referendums “before we have holes in the ground to point to, to show that we are on the way.”

Chairman Proxmire assured him, “I want you to put those holes in the ground, but I don’t want you to proceed with the fantastic speed from \$14 million a year ago to . . . \$243 million this coming year.”

General Graham suggested that with BART winding down on construction, WMATA would find that contractors and skilled workers would be available for the Metro project. WMATA was trying to interest those contractors in bidding on the Metro construction contracts. As that project winds down, the result would be deflationary in that area; WMATA would be taking up the slack. All in all, “it may be that the net impact is not inflationary looking at it nationally.”



Chairman Proxmire asked about the percent of District residents who would use Metro. WMATA agreed on a figure of about 26 percent. Chairman Proxmire suggested that if the city didn't have the freeways, more residents would use Metro. Airis objected:

I don't think we are competitive [with Metro]. We are talking about the movement of people and goods, and not just about moving commuters.

Chairman Proxmire, citing the \$370 million cost of the planned freeways, said he was interested in the inflationary impact of the construction plan. Airis pointed out that the Three Sisters Bridge would cost about \$15 million, including approaches, and that the Potomac River Freeway was necessary. He sketched out pending expenditures by year: for 1970 (\$46 million); 1971 (\$74 million) and 1972 (\$132 million).

These figures convinced Chairman Proxmire that the city was making plans over several years for increased expenditures. "In other words, if we go ahead, then you are going to be expanding at this enormously rapid rate and you are going to have this inflationary effect in 1970 and 1971."

Airis said he would "try like the very dickens" to work at that pace "because then the public have the use of these facilities and could use them."

That, Chairman Proxmire said, was what every highway director in the country is saying. "That is why we have this terribly difficult inflationary problem."

Airis again pointed out that the District was next to last in Interstate completion, with Maryland last. The District, like all the States, was bound by the completion date of 1975 in Federal law for the Interstate System.

Chairman Proxmire referred to the U.S. Court of Appeals ruling that the District had not satisfied Title 7 of the District Code. Correct, Airis replied, but that was before the 1968 Act. True, but Chairman Proxmire pointed out President Johnson's call for a comprehensive plan, adding that the comprehensive plan adopted excluded the Three Sisters Bridge and called for the Potomac River Freeway to be in a tunnel and the East Leg Freeway to be more or less a parkway.

Airis said the Major Thoroughfare Plan adopted in December 1968 was not a comprehensive plan. What President Johnson had in mind in referring to a comprehensive plan in his signing statement was never clear. Airis said the more recent action of the city council, on August 9, directed highway officials to proceed with the plan Congress adopted in the 1968 Act.

Chairman Proxmire was skeptical that the city was in compliance with the law. Just because the city council directed the highway department to proceed "doesn't make it right." His job, he said, was "to do my best to see that the law is respected and upheld." He asked for an explanation from the corporation counsel that would explain how the city can proceed in view of the President Johnson's call for a comprehensive plan.

The counsel's statement, submitted after the hearing, explained that the projects had been developed in accordance with Title 23, but the U.S. Court of appeals found that the development also should have complied with Title 7 of the D.C. Code, added in 1893. Section 23 of the 1968

overcame this problem with the “notwithstanding clause.” In this way, “Congress plainly supplied the authority which the court had held that Congress had not previously supplied.” The city council knew the plan it adopted on August 9 was “fully authorized by virtue of Section 23 of the Federal Aid Highway Act of 1968.”

The statement, which did not address President Johnson’s signing statement, concluded:

The provisions of section 23 are clear and unequivocal and the effect of those sections is that the Interstate System within the District of Columbia has been statutorily fixed by Congress, except as to those cases where Congress directed that studies be made and presented to Congress. [page 1470]

Chairman Proxmire cited the Arthur Little Company’s report which he said questioned every one of the projects. Airis explained that the company had questioned the projects “to some extent, but if you look carefully at the tables you will find that it wasn’t at all that bad, that largely, they supported these projects.”

Secretary Boyd also had questioned the Three Sisters Bridge, Chairman Proxmire pointed out, recalling the testimony on December 6, 1967, that the bridge would only transfer congestion from Virginia to the District. He also had called the North-Central Freeway a tremendously expensive and inadequate artery.

Airis responded by discussing, first, how the bridge would cut down the driving time between the District and Dulles International Airport. Second, he pointed out that the bridge would make it easier for traffic on I-66 to get to the District’s northwest quadrant efficiently. Third, only by construction of the Three Sisters Bridge and Potomac River Freeway can the connection with the George Washington Memorial Parkway finally be completed.

How, the chairman asked, can the District proceed with projects that were not in the comprehensive plan – which fails to meet the provisions of the 1968 Act in his opinion. Airis said the corporation counsel gave the go-ahead.

Airis confirmed that the city had awarded a contract for the main piers for the bridge:

Senator Proxmire. Has awarded it without Congress having acted on this?

Mr. Airis. Yes.

Senator Proxmire. Isn’t that pretty insulting to the Congress?

Mr. Airis. Oh, no, I didn’t think so, not when I am told to go ahead by the corporation counsel.

Senator Proxmire. Supposing we should turn you down on this thing?

Mr. Airis. In what way, sir?

Senator Proxmire. Supposing we should act not to approve this?

Mr. Airis. Sir?

Senator Proxmire. You have acted on the basis of a previous appropriation?

Mr. Airis. Oh, yes, definitely.

(This discussion, although somewhat unclear, apparently referred to appropriation of the District matching funds for the projects. Federal funds, because of contract authority, did not require a separate appropriation and were not subject to the jurisdiction of the Senate District Committee.)

Chairman Proxmire asked how the city could proceed in view of the court injunction issued in February 1968. After the hearing, the city filed the response referring to the “notwithstanding” phrase in Section 23. The phrase “supplied the requisite authority which the court . . . had found lacking.” By virtue of that phrase, “the court injunction was no longer with force and effect.” [sic]

Chairman Proxmire switched the discussion to truck traffic on I-266 across Spout Run Parkway. What would happen to the trucks in the city? At present, they would use city streets. The chairman suggested that would be “pretty rugged,” but Airis said it would not be any worse than at present. What about trucks going to the northeast quadrant? Airis said they probably would cross on the Shirley Highway via the 14<sup>th</sup> Street Bridge.

The chairman said, “You see what I am getting at is it looks as if we are going to have another cost now of building a tunnel under K Street, a spur to Florida Avenue in the north, and these two projects will be costly.” Airis pointed out that Section 23 required construction.

Chairman Proxmire asked if the original plans called for construction of a freeway through Glover-Archbold Park. Airis thought perhaps that was the plan before his time in the District. He explained that the city had owned a 100-foot right-of-way through the park since 1893, but had just recently transferred it to the NPS. The chairman wondered if, even so, the existence of the bridge would be like “a gun pointed directly at the park.” Airis said the bridge would not be pointed at the park:

Senator Proxmire. Under those circumstances though, it seems to me – won’t you or your successor be back asking for a freeway to go right through the park?

Mr. Airis. Oh, no, sir.

Turning to the North-Central Freeway, the chairman said that as a member of the Housing Committee, he was very concerned about the housing shortage in the city – 100,000 houses short according to the most recent data he had. The freeway would certainly contribute to the shortage. “As a matter of fact, we have destroyed more housing because of urban renewal and highway construction than we have reconstructed with public housing and with other governmental housing projects. I am told twice as many.” Airis said highways in the city had resulted in displacing 1,800 families.

The chairman pointed out that the Major Thoroughfare Plan had rejected the North-Central Freeway, as had the Arthur Little report. When Airis said the Little report “gave it a pretty good bill of health,” the chairman read from the study’s conclusions that the present plans were based on insufficient data and questionable assumptions, and that transportation planning had been carried out with inadequate regard for long-range economic and social impact. “Now, if that is a

good clean bill of health and enthusiastic recommendation, I would hate to have them condemn a program.”

Airis replied that the table pertaining to individual projects, where they are listed as satisfactory or unsatisfactory found that the North-Central Freeway “has considerable merit.” The chairman looked at the table and found that it ranked the freeway favorably in some categories, but found it insufficient in others and did not rate it in some categories. “I would say against that that seems to me not to represent an enthusiastic support.” He summarized, “as far as you are concerned . . . if it does not get a flat flunk in just about every score, it is not a bad project.”

The chairman wanted to know if the city expected the committee to approve appropriations for the two projects that were not in the Major Thoroughfare Plan. “I want to clear up that question.” Airis confirmed that neither project was in the plan. However, the city council, which is the approving authority for the plan, had voted on August 9 to include them “and it would appear to me, and of course to the corporation counsel, that their action gives us a clear go-ahead.”

Next, the chairman asked Babson how the Federal Government could justify underwriting 46 percent of the cost of constructing Metro, but not do so for other cities. Babson explained the role Metro would play in serving the Federal Government. “Congress found and held some years ago that construction of this rapid transit system is necessary for the efficient functioning of the Federal Government, which is our main industry, almost our sole industry.”

That explanation, in Chairman Proxmire’s view, “does not really answer the question on the basis of equity and need.” Every city needed and wanted more Federal funding for transit. Babson referred to the matching share in the Urban Mass Transportation Act, but Chairman Proxmire countered by saying the problem was that “we neither authorize nor appropriate any significant money for it.”

He asked Airis what he had asked Babson earlier: “what can you do to reduce the inflationary impact of your program?” Airis replied that the city was geared to the Federal program because of financing “and whatever their decision is in the matter . . . .”

Chairman Proxmire interrupted to ask if what was needed was the type of moratorium President Johnson had imposed in 1966. Airis agreed such an event would slow the program, “but I think we have got, sir, really honestly I think we have got to think of the lack of transportation.” Here was a system that had been at bare bones for a long time, with the center city economy suffering as a result:

I think it is time that we really got on, put our best foot forward and got something done here. It is obvious that you cannot use the rapid transit system until they build it. I mean you have got to build a good-sized chunk of it, and likewise with the freeway system. Although we build it in usable segments and each segment can stand on its own feet, the entire system would be most helpful to take care of the 3- to 7-percent increase in traffic that has been generated because of population.

The chairman agreed the subway was needed but he was not certain about some of the highway projects. Airis assured him, “they stand on their own feet.” But, the chairman pointed out, the more freeways are built, the more people drive to work. The freeways are “all obsolete before you get finished.” Airis pointed out that in their absence, the vehicles use city streets that are not adequate for the traffic.

Chairman Proxmire summarized that the committee was faced with “a very grim alternative.” It could approve all the funding for Metro and freeways. It could turn down the whole package. Or it could cut the funding blindly because neither Babson nor Airis would “give us advice on how we can design this in such a way that it will have less of an inflationary impact.” The committee could put some sort of limitation in place, but he did not like to do that “without advice from the people who are most competent” to provide it. “That is why you are here today.” If they would give him “a certain proportion . . . we could reduce the obligations which will be provided by this appropriation bill.”

Babson replied that although it was hard to explain, “It is just impossible at this time” due to the financial arrangements for Metro. Chairman Proxmire asked WMATA to have its general counsel explain how a limitation would affect funding arrangements with local jurisdictions. Counsel John Kennedy submitted a reply for the record, which concluded:

Delaying the start of construction or stretching out the construction schedule would increase proportionately the federal and local contributions, requiring new referenda in several local jurisdictions. Considering that the National Capital area bond election came at a time when similar referenda were failing in several other urban areas, there is solid reason to doubt the eventual success of a further appeal to the electorate in several separate referenda, all of which must be approved. [pages 1483-1485]

With the hearing near an end, Airis asked to make two points. First, even as population has grown, the area’s transportation network has not kept pace. “We have been going along at a bare bones level, and our programs, our respective programs are needed to catch up a little bit now to hold and contain the situation. Second, he read again the “notwithstanding” provision in Section 23(a) of the 1968 Act requiring construction of the Interstate freeways in the 1968 ICE.

Chairman Proxmire agreed about the need for Metro “but as far as these marginal highway projects are concerned, Three Sisters, North Central Freeway, cutback the east leg, the Potomac Freeway, I must say that postponing these seems to me [necessary] if we are going to do anything to show that we mean business about inflation.”

Airis said they were badly needed, but the chairman assured him that in his view, they were “in the front rank . . . of projects that we should slow down.”

The hearing soon came to an end. [pages 1449-1489]

### **After the Hearing**

Jack Eisen summarized the hearing in his opening paragraph the next day:

Sen. William Proxmire (D-Wis.) put the fate of Washington's Metro rapid transit system in doubt again yesterday by threatening to cut funds for both subways and freeways.

The deepest cuts, he declared at a hearing, should be made in money for freeways, which he called "marginal" in justification as compared with the rail system.

While he proposed the cuts based upon a need to curb inflation, Proxmire peppered his commentary with criticism of freeways, including the Three Sisters Bridge.

He said he would not be bound by the decisions of his House counterpart, Chairman Natcher, but would look at each project on its merits:

This raised the question of whether Natcher, if so challenged, might back off from last week's announcement and refuse to grant the promised funds and act to impound \$37.4 million that already has been released.

(Eisen was referring to the \$37.4 million in Federal transit aid that Secretary Volpe had released on September 25. The funds would, in effect, be impounded without the required District matching funds needed for WMATA to use them.)

The fact that Chairman Proxmire conducted the hearing without any other members of his subcommittee present raised a question about whether he could convince the other members to support his position.

After the hearing, Chairman Proxmire told reporters that Airis had made a "weak" case for the freeways, especially in comparison with the "strong and very persuasive" case made for Metro by the WMATA panel.

The *Star's* Stephen Green reported that Chairman Hahn had visited Chairman Proxmire on September 30, the day of the hearing, to assure him that the city council's August 9 vote was legal:

Hahn met Proxmire behind closed doors in the senator's office. Proxmire could be heard telling Hahn that, under federal law, interstate highway projects must be included in the city's comprehensive plan. The Three Sisters Bridge and related freeway projects are not.

After leaving Proxmire, Hahn said they only discussed whether an early-1968 U.S. Court of Appeals injunction against freeway building still is in effect. The council president [sic] said he had explained that the later 1968 Highway Act ordered the city to build the bridge and road and specifically stated that previous court actions did not apply.

Green also reported that WMATA staff and Chairman Proxmire's staff were working "to come up with a construction slowdown plan." At the same time, WMATA voted to seek bids for construction of the second phase of the first 6 miles of the tunnel from Lafayette Park to Connecticut Avenue and K Street, NW.

Finally, Green reported that “Airis yesterday said that he will not give Proxmire a plan to cut down on freeway construction.” [Green, Stephen, “Proxmire Calls Plans Illegal To Build Freeways, Bridge,” *The Evening Star*, October 3, 1969]

The Senate considered the District of Columbia Revenue Act of 1969 on October 3. The bill included the Broyhill amendment as Section 801. Chairman Eagleton of the Fiscal Affairs Subcommittee informed his colleague that the Senate District Committee had retained the House provision because “the committee believes that it has taken every reasonable step to remove obstacles to the release of authorized subway funds.” The Federal payment would be withheld only until President Nixon reported to Congress that the city “has committed itself irrevocably to full compliance with the provisions of section 23(b) of the Federal-Aid Highway Act of 1968.” The provision made clear that the Federal payment would not be withheld “if the District is prevented from carrying out its commitment solely because of a court injunction resulting from a suit filed by persons other than the District of Columbia or Federal Government”:

The committee feels strongly that governmental policy should not be hamstrung by the actions of persons who, for reasons of their own, may choose to file suit to block construction of highways or subways. Transportation policy in the Nation’s capital is too vital a matter to be left to such chance and possibly irresponsible actions.

The provision, he added, “will make it possible to begin construction this year of the long-delayed rapid rail transit.”

Former District Committee Chairman Bible said he agreed with Chairman Eagleton about the long freeway-subway impasse. “I think he has come up with the only practical conclusion that could be made in this field.”

Current Chairman Tydings realized that Chairman Eagleton had many difficult choices to make, including the “highly volatile issue, working out the disagreements between those who are willing to sacrifice the subway if they can stop roads and those who, for one reason or another, have almost intractable positions on the issue of roads and subway.” The bill would help bring about the balanced transportation system the metropolitan area needed. “I think this is the vital move if we do not wish the District of Columbia, our National Capital, to become another Los Angeles.”

Senator Cooper said he had intended to introduce an amendment to strike Section 801 from the bill, but had decided not to do so “because the Senate committee has approved the provision and I think it would probably be useless at this time, late on a Friday afternoon, to attempt to strike out section 801.” He realized that striking the section would cause problems when the bill went to conference committee with the House. He did not want to affect the House decision to release the subway funds.

To be honest, however, Senator Cooper wanted to explain that he opposed Section 801. His objection stemmed from his objection to Section 23 of the 1968 Act. After the Senate approved its version of the 1968 Act, they went to conference and “to our amazement found a section in the House bill in which the House of Representatives and the Committee on Public Works of that

body, arrogated to themselves the position of engineers and asserted an authority to take over the functions of the Bureau of Public Roads and of the local government of the city of Washington.”

If they had arrogated to themselves which roads and streets should be laid down in Kentucky, Montana, or anywhere else, “the Congress would not accept it.”

Despite his objections, he realized that agreements had been reached with his Kentucky colleague, Chairman Natcher, to release the subway funds in return for the start of the freeways. “There may be court proceedings, but the political decision has been made.”

Having objected to Section 23, he said of Section 801, “I object to this second act of coercion on the part of the House.” After managing to impose their will on the District to secure work on the Section 23 freeways, here they are again trying to force that construction. “I think that is going too far. It is coercion.”

Although he had withdrawn his amendment to delete Section 801, he asked the Senate to consider a minor amendment to the provision. It would replace “President of the United States” with “Secretary of Transportation.”

Chairman Eagleton explained that President Nixon had been involved in the dispute and continued to be involved. President Nixon’s August 12 letter was proof of his role.

Senator Cooper, saying “I do not wish to appear to be meddling in this situation,” withdrew his minor amendment. He just did not like the way the Congress “thrust the highway system down the throats of the people of the city of Washington.” [District of Columbia Revenue Act of 1969, Congressional Record-Senate, October 3, 1969, pages 28389-28396]

Chairman Proxmire also addressed his colleagues:

The District of Columbia is about to embark on what may be the largest public works program any community in the United States has ever built. It proposes to do this at a time when inflationary pressures are extremely strong. It proposes to do this in the clear knowledge that the proposed subway and highways programs will bid up the price of skilled labor, of building materials, and of construction costs.

He repeated the themes he had expressed during the hearing, including the disparity between the Federal share for Metro and BART. The subway was a good project, but the explosion in the amount for the first year was highly inflationary. “The subway, as badly as it is needed and as meritorious as it is, will nonetheless have an enormous inflationary impact.” He reminded his colleagues that this explosion in Metro expenditures was coming at a time when President Nixon has directed agencies to reduce new Federal contracts by 75 percent. Cities around the country expected to be hit hard, but not the District of Columbia:

We are told by the supporters of the praiseworthy subway system, the huge expenditures for which are very difficult to justify at this time, that we must add at least \$370 million more in highway and bridge projects to the total.



He guessed the estimates were low based on their increased cost over time. He thought the freeways would ultimately cost at least half a billion dollars. He could justify \$2.5 billion for Metro, but it was “impossible to justify another half billion or more for unneeded and unwanted highway projects.”

Congress, he said, justified this massive expenditure at a time when cutbacks were occurring around the country because they, and their friends and employees, “live here, and yet expect the rest of the country to postpone their projects.” He told his colleagues, “Such a double standard has seldom been seen before.” He served notice that, “This Senator . . . will not take part in such a hypocritical undertaking.” To the extent his subcommittee could do so, he would slow down the subway program as the best way to reduce its inflationary impacts. He also would slow highway spending in the city, saying the expenditures were “wasteful and . . . may well destroy the fabric of the Capital city of the United States.”

Section 801, he said, was the second time Congress had tried to force the city to build the planned freeways. “I think the attempt in this bill is no more binding than those of the past.” The freeways could not be built until the city complied with the court order of February 1968, title 7 of the District of Columbia Code, and Title 23 of the United States Code.

Senator Proxmire explained how Section 23 of the 1968 Act tried to get around these restrictions, but in signing the bill, President Johnson had called the provision “the most objectionable feature” of the legislation. He quoted the President’s statement that, “Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.” He also called for the projects to be “appropriate links in a comprehensive transportation plan for the District.” As the September 30 hearing brought out, “no comprehensive plan for the District highways had ever included these four projects.”

Section 23 was “an affront to the judicial system,” as was Section 801, which also was “a travesty on proper planning concepts, and a hypocritical act by Congress.”

The city had many other needs that would cost only a fraction of the expenditures going to the freeway program and Metro. He considered it a travesty to spend \$240 million on the subway this year, along with hundreds of millions of dollars for freeways and bridges “while the much smaller needs for housing and schools and hospital beds go unmet.” He concluded:

This Senator, for one, will not be a party to such a flagrant act of misplaced values.

As the old saying goes – I believe Sam Goldwyn said it – “Include me out.” [pages 28399-28400]

Senator Tydings responded, beginning:

Mr. President, we have now in Congress, because of our actions, delayed the beginning of the subway for almost 3 years. Every day we delay the beginning of the construction costs \$250,000. Every year that we delay in going forward costs roughly \$90 million.

He pointed out that thousands people in the District of Columbia did not own a car. As the area's economy decentralized, Metro was the key to making suburban jobs available to inner city residents. "A subway is indispensable."

Unfortunately, some "antihighway lobbyists" were "so zealous and sometimes unreasonable" in attacking the highway program that "they are and would be willing to scuttle perhaps the most vital single link in the transportation system, the Metro rapid transit system."

The road system would be financed by gasoline and other highway user excise taxes. "They are mandated to be used in this direction." No matter what the Committee on Appropriations does, they cannot be used for any other purpose.

If construction does not begin this year, the financial plan will collapse and "all the Federal legislation and authorizations and the work of almost 10 years will have gone for naught." As a result, Congress could not run the risk of further delay:

All one has to do is to spend a little time in Los Angeles County . . . to see what happens when government delays and delays and never goes ahead with a rapid transit system. Finally, the authorities find themselves with concrete on all sides and with massive parts of the city in concrete.

Congress has caused the delay in starting construction. Now, the entire mass transit plan "hangs by a slender thread." Any further delay on the part of Congress "would be tragically penny wise, but dollar foolish not to go ahead with the transit system now." If the plan collapses, "the pressures for more and more highways will build inexorably." Meanwhile, as the population increases, "thousands more area residents will jam existing highways and demand new ones."

Construction of the Three Sisters Bridge and study of the North-Central Freeway were the sticking points that the House of Representatives had insisted on, as "evidenced in the 3-year delay in the Metro start." The House refused to fund Metro unless the bridge was built. Therefore, if the Senate blocked the bridge, "Metro will be destroyed."

When the Senate District Committee was working on the Revenue Act, it had to decide what to do about the Broyhill rider. The committee "grappled with this particular provision and all its ramifications." Ultimately, the committee voted unanimously to include it. In citing the reasons why, Senator Tydings said they knew the House would insist on it, regardless of what the Senate did. They did not want to prolong "a continued deadlock over the Metro" funds. Losing Metro would mean "more roads, more bridges, more displacement and infinitely more highway costs." He cited the Oliver Quayle poll as demonstrating support for the highway plan. The city council had voted to support the Section 23 plan.

The Broyhill rider provided "a continuing assurance" that the House would not have another reason to withhold matching funds for Metro. It would assure that the city was "moving ahead at full speed" to build the Three Sisters Bridge and the other freeways covered by the 1968 Act. The city assured the committee that the bridge "will not intrude on Glover-Archbold Park or produce an added traffic burden in Georgetown." Some committee members had reservations

about individual freeways, but recognized that in view of the strong feelings in the House, a vote for the rider was “an indispensable vote for the Metro system, a vote without which the Metro system will collapse.” That would be “a disaster from which this entire urban area might never recover.”

Chairman Proxmire rose to assure his colleagues that he was not opposed to Metro. He was concerned only about the inflationary impact of its construction now at a time when President Nixon was calling for sacrifice to fight inflation:

My argument is that we should not start the biggest public works program in the history of the country, start it here, start it now, start it in such a whole-hog way that we take all the 1969 appropriations and all the 1970 appropriations and spend them now on a project in an area where there is a tight employment situation, where it is clear that this kind of expenditure is bound to result in bidding up prices of labor and prices of material. Much more important is the example that this gives the rest of the country.

He supported a start of Metro construction this year, “but I think it is a matter of degree and a matter of recognizing our own responsibility.” He did not doubt the widespread support for Metro, but that was not a reason to begin as planned in view of “our No. 1 economic problem.” If “we mean anything” about slowing inflation “we should slow it down on this particular kind of project.”

Senator Tydings had the final word, pointing out the views of President Nixon and the Bureau of the Budget in support of getting started. “I would hope that the Appropriations Committee would follow the recommendations of the President of the United States in this matter.”

The Senate approved the bill without a recorded vote or discussion of other issues. The Senate also appointed delegates to the conference committee, including Senators Bible, Eagleton, Mathias, Spong, and Tydings. [pages 28400-28402]

While the Senate was debating District of Columbia Revenue Act of 1969, Roberts B. Owen of Covington and Burling filed the expected suit, *D.C. Federation of Civic Associations, Inc., et al. v. John A. Volpe et al.*, seeking declaratory judgment and injunctive relief. Owen filed the suit on behalf of the D.C. Federation of Civil Associations, the Committee of 100 on the Federal City, Arlingtonians for the Preservation of the Potomac Palisades, and other organizations as well as six individuals. ECTC was not a party to the suit. The individuals named in the suit included the Reverend Channing E. Phillips, the city’s Democratic National Committeeman, and Mrs. Rowe, the former NCPC chairman.

The suit alleged that District and Federal officials were violating:

- Section 7 of the D.C. Code requiring detailed maps and public hearings;
- Section 23 of the 1968 Act that required the city to comply with provisions of Title 23 on corridor and design public hearings and inclusion of the highway in a comprehensive transportation plan; and
- The Section 4(f) prohibition against the use of publicly-owned parks unless there was no “feasible and prudent” alternative.

The suit specifically mentioned only the Three Sisters Bridge, but asked the District Court to rule that the injunction imposed by the U.S. Court of Appeals remained in effect and enforceable.

Reporters asked a spokesman for the groups if they were concerned that Congress might withdraw the subway funds in view of the suit. The spokesman said, “the legal procedures in the lawsuit will not be affected by anything Rep. Natcher decides about funds for the subway. It is up to the courts, not Rep. Natcher, to interpret the law to the Department of Transportation and the District government.” [Basham, William, “3 Sisters Span Target of Suit,” *The Evening Star*, October 4, 1969; Eisen, Jack, “Suit Filed To Block 3 Sisters,” *The Washington Post and Times Herald*, October 4, 1969]

Judge John J. Sirica of the U.S. District Court held an expedited hearing on the request for a

10-day temporary injunction on October 7. Owen stressed that plaintiffs did not seek to block the Three Sisters Bridge permanently. They merely wanted the city and Department of Transportation to comply with pre-construction requirements such as holding public hearings.

Assistant Corporation Counsel Patrick O’Donnell argued that in passing the 1968 Act, Congress’ intent was that the city begin construction of the bridge “immediately” and to do that, suspended further procedural delays. He cited the public hearings already held.

Owen countered that the hearings occurred in 1964, but requirements called for them to take place less than 3 years before expenditure of Federal-aid funds.

On October 8, Judge Sirica found that the plaintiffs had not shown a likelihood they would prevail in court. Owen told reporters after the hearing that he would consult with plaintiffs about appealing Judge Sirica’s decision. [Valentine, Paul W., “Writ Denied to Block Work on Three Sisters,” *The Washington Post and Times Herald*, October 9, 1969]

The *Star* reported on October 10 that on October 7, the day of Judge Sirica’s hearing, the White House complied with the promise to Chairman Natcher in the event of a lawsuit. In a memorandum, Counsel Ehrlichman wrote:

We must vigorously defend any legal action which would prevent the District government from implementing the Federal Highway Act of 1968 . . . .

On behalf of the President I, therefore, ask you to personally direct the federal government’s defense in this case, coordinate the departments immediately involved and make available attorneys from the Justice Department as you deem necessary. This should be considered a matter of highest priority.

Ehrlichtman pointed out that defendants included Secretary Volpe, Secretary of the Interior Walter J. Hickel, and District officials:

This unfortunate action runs counter to the substantial progress which has been made within past months toward achieving a balanced transportation system for the District of Columbia.

As the President indicated in his April 28 message to Congress, he believes that the National Capital needs and deserves a truly metropolitan transportation system that will unify the central city with the surrounding suburbs including both mass transport and adequate highway networks.

It is anticipated that funds will soon be available for a rapid rail and highway construction planned for the District [sic]. Congress has clearly and explicitly recognized that the Three Sisters Bridge is a vital segment of the District's planned highway network. Congress has indicated that the transportation needs of the District will be best served if construction of these projects proceeds concurrently.

The *Star* pointed out that this memorandum "went further" than the President's mid-August promise to Chairman Natcher to provide assistance in helping the District defend itself against such suits. [Horner, Garnett D., "Nixon Presses 3 Sisters Span," *The Evening Star*, October 10, 1969]