

The D.C. Freeway Revolt and the Coming of Metro
Part 5
After the Court Revolt

Table of Contents

Considering the Three Sisters Bridge	2
The U.S. Court of Appeals Acts	3
Reaction	7
Searching For a Way Forward	12
Chairman Natcher's Views	22
The Kluczynski Hearing	28
Martin Luther King, Jr.	50
Seeking Elusive Compromise	52
A Layman's Guide	54
National Capital Planning Commission's Future	63
The City's View	72
Return of the Freeway-Subway Rift.....	76
The Administration's 1968 Act	78
Planning for the District.....	83
Mandating the Freeways	86
Senate Committee Action on the 1968 Act.....	93
Congressional Action.....	96
Completing the 1968 Act.....	104
The Conference Report	111
Two Bills in One Day	118
Senate Action	122
Awaiting Presidential Action.....	128
To Veto or Not to Veto	129
Action on the 1968 Act.....	137
Negotiating with Lame Ducks	143
Air Rights For City Streets.....	144
The District Plan	146
Reaction to the draft Major Thoroughfare Plan	151
The Public Speaks, December 3-4, 1968	155
NCPC and the City Council Act	160
Taming the Highway Bulldozers	167
The Final Days of the Johnson Administration	173
The Baltimore-Washington Parkway Gambit.....	175

Part 5

After the Court Revolt

Considering the Three Sisters Bridge

By late January, Deputy Mayor Fletcher was meeting with Secretary Boyd on the fate of the Three Sisters Bridge. “We hope to have something within the week,” he told reporters. On the basis of those talks, Chairman Kluczynski had agreed to hold off introducing his bill requiring construction of the bridge. He gave the city and Secretary Boyd until the end of the month to announce a “reasonable” solution. He defined “reasonable” as including construction of the bridge.

At month’s end, Fletcher said negotiations would require another week. “The problem is hugely complex. The solution, to be a good one, must not satisfy anyone completely. The solution requires a give and take on all sides.” [Hoagland, Jim, and Carper, Elsie, “Three Sisters Bridge Impasse Seen Broken,” *The Washington Post and Times Herald*, “January 25, 1968; Hoagland, Jim, “City Defers Proposal on 3 Sisters Span,” *The Washington Post and Times Herald*, January 31, 1968]

When NCPC met on February 9, it considered a proposal for a design team, similar to the Interstate design team reviewing Baltimore’s comparable problems with routing of I-95. The team would develop a comprehensive highway plan, including alternatives for the Three Sisters Bridge and North Central Freeway. NCPC members discussed the proposal in a lengthy executive session outside public view, but did not vote on it.

Chairman Rowe refused to talk with reporters about the discussions, but Flor’s sources told him “that she tried unsuccessfully to get the commission to adopt a new transportation plan, to settle the highway dispute, that would have been a clearcut victory for opponents of the highway program.” One reason for delaying the vote was that the NPS representative protested a decision until he had discussed it with Interior Department officials.

Flor wrote that the “intended effect of the action, apparently, was to put the planning commission back into the controversy over freeways.” In recent months, NCPC appointed members had been sidelined while the freeway debate had been dominated by Members of Congress, District officials, and representatives of Cabinet-level departments.

Flor also reported that Deputy Mayor Fletcher and Council Chairman Hechinger, who both attended the meeting, “discussed proposals developed by the District government which call for retention of plans for the Three Sisters Island Bridge.”

In public business, NCPC gave final approval for the National Fisheries Center and Aquarium in East Potomac Park. The approval did not cover the Ponte Vecchio-type bridge across Washington Channel. NPS officials told NCPC they had been unable to attract a bidder to develop the bridge. NCPC had given up hope for the associated underground parking lot beneath the 10th Street Mall overlook. Design of the aquarium was underway, with construction expected to begin in mid-1969 if budget cutbacks resulting from the Vietnam War could be resolved.

NCPC heard a presentation from landscape architect Halprin on his master plan for the Anacostia Park and Kingman Lake swimming lagoon near D.C. Stadium. The plan included locks to keep polluted Anacostia River water out and chlorinating the lagoon. The *Post* reported:

One feature of Halprin's master plan calls for a change in alignment of the pending East Leg of the Inner Loop highway system. Instead of an exposed right-of-way to the east of the stadium, Halprin suggests a tunnel to the west.

He also said NPS and District highway officials were studying his master plan.

In addition, NCPC gave final approval to addition of the Spacecraft Operations Building at Goddard Space Flight Center in Greenbelt, Maryland. The center's current 6,779 employees were already complaining about traffic problems on the interchange between the Baltimore-Washington Parkway and the Capital Beltway. More employees in the new operations building would worsen the problems. NPS Director Hartzog suggested that BPR compel the Maryland State Roads Commission to take over the Federal portion of the parkway so it could handle Interstate traffic. [Lewis, Robert J., "Planners Final Okay Given for Aquarium," *The Evening Star*, February 9, 1968]

Elsewhere on February 9, the President's Advisory Council on Historic Preservation adopted a resolution calling for a halt to new highway construction near the Potomac River until alternatives could be studied. The council was concerned that the Three Sisters Bridge would affect several historic sites, including the Chesapeake and Ohio Canal, the Georgetown waterfront, the Lincoln Memorial, and the Potomac Palisades. The *Post* article about the resolution concluded:

Mayor Walter E. Washington and [Secretary] Boyd are working on a compromise proposal in an effort to satisfy Rep. John C. Kluczynski . . . Kluczynski threatened to introduce a bill in Congress to force the building of the Three Sisters Bridge if Boyd continues his opposition. ["Historic Sites Unit Opposed Roads Plan," *The Washington Post and Times Herald*, February 9, 1968]

The U.S. Court of Appeals Acts

On February 10, the U.S. Court of Appeals approved a temporary injunction forbidding "any further action whatever, including the acquisition of land, in connection with the proposed construction of the four highway projects known as the North-Central Freeway, the East Leg, the Three Sisters Bridge, and the Missouri Avenue expressway." Acquisition of right-of-way was underway on the North Central Freeway, but the other projects were in the pre-acquisition planning stage.

During a January 25 hearing, plaintiffs had requested a temporary injunction only on right-of-way acquisition for the North Central Freeway. That the U.S. Court of Appeals went beyond the request to prohibit any action "whatever" on the four freeways encouraged freeway opponents. Robert Kennan of the Committee of 100 on the Federal City, one of the parties to the appeal, reacted by saying, "It seems impossible to me that the Court will not hand down a favorable

decision.” He pointed out that before hearing the appeal on January 25, the court had turned down two requests for temporary injunctions pending a finding. Having now heard the case, the court’s decision to approve the injunction could be interpreted as leading to a finding in support of the appeal.

Reginald Booker, now ECTC chairman, reacted to the temporary injunction as well:

The Emergency Committee on the Transportation Crisis hails this decision and will redouble its efforts to unite the citizens in this fight against unwanted freeways that the highway lobby and its political stooges want to shove down our throats,

Edward J. MacClane, president of the D.C. Federation of Civic Association, called the injunction a victory for the people of Washington. “We have fought these freeways for the past 10 years. The District should not have purchased the homes while the court case was going on.”

Mayor Washington announced that the city would not appeal the injunction. He preferred to wait for the court’s final decision. However, the injunction left Airis with the problem of the Taylor Street Bridge. The bridge was mostly demolished in preparation for a longer bridge across the Baltimore and Ohio Railroad tracks. He ordered a halt to all right-of-way activities, but was uncertain what to do with the bridge project.

On February 12, Corporation Counsel Charles T. Duncan asked the court to modify its temporary injunction to allow the city to complete the Taylor Street Bridge project and permit contractors to finish design and planning contracts for the North-Central and East Leg Freeways. Duncan also sought authority to settle 21 pending acquisition contracts with people who had agreed to sell their property to the city.

The *Post* suggested that the temporary injunction would delay efforts by the District, Secretary Boyd, and others on a compromise plan that would allow the Three Sisters Bridge to proceed:

Deputy Mayor Thomas W. Fletcher said discussions of various proposals will continue.

It was learned yesterday that a draft proposal that the District Building has been circulating calls for building the Three Sisters Bridge and the South Leg Tunnel, and using a design concept team of architects, sociologists and other planners for the other freeway links.

[Von Eckardt, Wolf, and Hoagland, Jim, “Freeways Action Is Enjoined,” *The Washington Post and Times Herald*, February 10, 1968; Flor, Lee, “Court Blocks All D.C. Action On 4 Freeways,” *The Evening Star*, February 10, 1968; “Mayor Won’t Appeal Freeway Order, Awaits Final Ruling,” *The Sunday Star*, February 11, 1968; Valentine, Paul W., “Court Asked To Modify Freeway Ban,” *The Washington Post and Times Herald*, February 13, 1968]

On February 15, 1968, a three-judge panel of the U.S. Court of Appeals rejected Judge Holtzoff’s decision and ordered the District to cease planning and construction of the Three Sisters Bridge, the North-Central Freeway, the East Leg of the Center Loop, and the Missouri Avenue Expressway.

Judges David L. Bazelon, J. Skelly Wright, and Edward A. Tamm found that the primary question was whether the District had complied with the 1893 law, included in Title 7 of District code, on providing a permanent system of highways in the city. “We find that they have not and reverse the District Court judgment denying injunctive relief.” That finding resulted in reaching other issues involved in the appeal.

The ruling summarized the planning requirements of the 1893 law and amendments of that law in the District of Columbia Appropriations Act, 1913 (P.L. 62-201, approved June 26, 1912). The amendments adopted the 1893 planning procedure for changing the street and highway plans for any portion of the District of Columbia:

Another rider to the same Appropriations Act gave the Commissioners power to open and widen new streets and highways which conform to the plans so developed. Thus, following the 1913 Appropriations Act, the District Commissioners were empowered to plan and open highways throughout the District, provided the plans were developed in accordance with the procedures now laid out in Title 7 and the highways built in accordance with the plans. This wide power to plan and build highways is the only general authorization the District Government has to build highways.

In response to the appeal of Judge Holtzoff’s decision, District officials conceded they had not complied with the procedural requirements of the 1893 and 1913 laws. They argued that Congress had given the District the power to proceed by authorizing the freeways and providing funds to the District for Interstate highway construction.

“This argument is without merit,” the court found. None of the laws the District cited specifically mentioned these highways:

Thus, the lump-sum appropriations for street and highway construction did not expressly authorize the construction of these freeway projects. And as the appropriation of money to the District Commissioners for highway construction is entirely consistent with the provisions of Title 7, the appropriations acts cannot be seen to repeal implicitly Title 7 limitations.

Further, Congress’s actions did not ratify administrative actions contrary to Title 7. “Obviously, Congress cannot intend to ratify illegal action of which it is unaware.” Funding actions that do not except Title 7 procedures cannot be taken as evidence of an intention to do so. “Therefore, where the ratification by appropriation argument has been accepted, courts have been careful to demonstrate factors attesting to Congress’ specific knowledge of the disputed administrative action.” In the absence of congressional knowledge and intent, general knowledge of the freeway project “is insufficient to support the ratification by appropriation argument.”

Congressional support for the District freeway program does not imply that Congress intended the District to proceed in violation of Title 7. “Obviously Congress, in appropriating funds, has a right to assume they will be expended according to law.”

The panel also dismissed as without merit the District's argument that Federal-aid highway acts had provided authority for the city to advance the freeway projects without regard for Title 7 because the acts permit the District to receive Federal-aid highway funds. While the purpose of the Federal-aid highway acts is to stimulate and accelerate construction of the Federal-aid highway system, the legislation did not authorize the District, State, or Federal agencies to plan and build highways. That authority stemmed from State, Federal, or local laws such as Title 7. "State and federal courts considering the applicability of state laws to federal-aid highways have agreed that state laws regulating the planning and building of highways were not set aside by the Federal-Aid Highway acts."

Contrary to the District assertions, Federal-aid highway legislation was not inconsistent with Title 7. For example, the acts did not specify a minimum width for Federal-aid highways or concern itself with how State or District governments raised matching funds. "Thus, these D.C. Code provisions have not been impliedly repealed by the subsequent Federal-Aid Highway acts." If Congress had intended to set aside the provisions of Title 7, "it would do so explicitly."

The panel also rejected the District's argument that the Act of 1893 was not intended to cover "wide Interstate Expressways":

To the contrary, we believe that the procedures set out therein are even more important for regulating the "wide Interstate Expressways," for these projects generally affect more people and larger areas of the District than any other type of street and, therefore, are potentially more destructive of aesthetic values and fundamental property rights.

From the very beginning the aesthetic and functional advantages of planning have been afforded the Nation's Capital [and] the entire metropolitan region. To allow the District government to build large expressways without regard for the District highway plan, which was initiated for the express purpose of preserving the L'Enfant street plans, would be inconsistent with history, a strong tradition, and express statutory language.

After dismissing these arguments, the court concluded:

In sum, we believe that the only power the District government has to build roads is that granted by the provisions of Title 7, and we believe that this power extends to all types of highways built within the District. Nothing we have said is in derogation of this vast power, and nothing we have said pertains to the merits of the challenged projects. Rather, we are reversing the District Court decision because, without authorization from Congress, the District appellees have disregarded the relevant statutes in planning and constructing the four freeway projects in suit here.

Although this ruling was by a three-judge panel, the full U.S. Court of Appeals added, *per curiam*, that the ruling was not intended to prevent the District from completing existing contracts. The court specifically cited the contract for the Taylor Street Bridge, which the corporation counsel had stated "serves local traffic needs and must be rebuilt regardless of whether North Central Freeway is constructed." Similarly, the three-judge panel's opinion neither prohibited nor authorized the District "to complete settlement on those contracts of

purchase, already made, where the homeowners, after being advised of this Court's action, indicate a willingness to do so." The addendum did not address design and planning contracts with consultants. [*D.C. Federal of Civic Associations, Inc., v. Thomas F. Airis*, 391 F.2d 478 (1968), U.S. Court of Appeals, District of Columbia Circuit, No. 21416, February 15, 1968]

Reaction

As *The Washington Post* explained:

The effect of the decision is to toss the controversial freeway program to the new city government. The City Council will have to hold new public hearings on these proposed projects, and Mayor Walter E. Washington will have to approve or reject them

It could take months to prepare detailed maps, hold public hearings in the City Council, wait for the Mayor's decision, and wait for the National Capital Planning Commission to consider and act on the plans one by one. All these steps will be required under yesterday's decision before planning and construction can continue.

The decision did not go into the merits of the heated freeway dispute since it was based on procedural grounds. However, it is clear that the whole freeway issue will now be reopened

In effect, the decision returned the case to the U.S. District Court. Because the U.S. Court of Appeals had not ruled on the merits of the four projects, initial speculation was that the District would return to the U.S. District Court to request a continuance to allow the city to comply with the provisions of the 1893 highway law.

City officials feared the court's ruling could be extended to other freeways, none of which were developed in accordance with Title 7. However, NCPC Chairman Rowe called the ruling, "A great day for the people of Washington and the face of this beautiful city." [Jewell, David, and Kaiser, Robert G., "Freeway Halt is Ordered," *The Washington Post and Times Herald*, February 16, 1968; "Court Bars 4 Roads Projects Until D.C. Follows Law," *The Evening Star*, February 15, 1968]

Mayor Washington called a meeting on February 16 to consider the ramifications of the decision. Participants included Deputy Mayor Fletcher, City Council Chairman Hechinger, Corporation Counsel Duncan, Director Airis, Acting Director of Administration Kenneth Back, and Isaiah Creswell, legal advisor to the city council. They discussed several options, including appeal of the three-judge panel's decision, seeking congressional action to address the court's concerns, and attempting to comply with the 1893 law.

After the 45-minute meeting, participants declined to speculate on how Mayor Washington would respond to the decision. However, Duncan told reporters the decision had "very wide and far reaching" implications. The "rationale of the decision would apparently apply to all [highway] projects." The opinion could affect the District "legally, economically and from other standpoints." He expected a decision "in the next few days."

One concern was that the decision had ruled only on what it called the primary question, namely whether the city had complied with Title 7. Having concluded, without dispute by the city, that it had not done so, the panel ruled, “it is unnecessary to reach other issues raised on this appeal.” One of the unresolved issues raised by plaintiffs was whether the District had congressional authorization to participate in the Interstate program.

Moreover, even if the District wanted to comply with Title 7, modern conditions might make it impossible. The *Star* recalled the origins of the 1893 law:

The 1893 legislation was drawn up at a time when most of the District was farmland. The city’s boundary on the north was Florida Avenue which today is practically regarded as the boundary of the downtown area.

But a few ambitious real estate developers started subdivisions north of Florida Avenue, and their pattern of streets did not match up with the streets south of Florida. Also there had been a series of court battles and fights over the practice of the District in condemning land in the 1870s for public improvements.

So Congress put stiff requirements in the 1893 legislation to protect property owners.

Section 115 of Title 7 said the District Commissioners were not to submit any highway plan to the planning commission for its approval until after the District Commissioners held hearings. The hearings were designed to give the property owners “embraced” by any such map a chance to comment on its provisions.

The District had held hearings for the Interstate freeway projects, but the hearings had not been heard by the District commissioners as the U.S. Court of Appeals thought required by the 1893 law.

If the District held a hearing in accordance with the 1893 law, the next step, securing NCPC approval, would be problematic. The 6-5 vote that had sustained the May 1966 Policy Advisory Committee agreement had disappeared. The five private citizens on NCPC now could block freeway projects with the help of NPS or in a tie vote.

While the District decided what to do, reaction to the decision continued. ECTC’s Sammie Abbott issued a statement:

For three years we have warned the District government and federal agencies they were proceeding in an illegal and tyrannical fashion . . . the Court of Appeals has put an end to this lawless, inhuman, coercive land-grabbing use of eminent domain to evict people.

He and Booker demanded that Mayor Washington “act immediately and move the people back in their homes.” They urged the city to adopt the Arthur D. Little report. Booker added that District highway officials should be replaced by “black and white District residents who would be responsive to the city’s problems.”

Members of Congress also reacted to the decision. Senator Brewster of Maryland said the “federal interest in the District is so important that it may become necessary for the Congress to specifically authorize the Federal Highway Administration to construct these roads as totally federal projects.” Using the precedent of the NPS parkways, he suggested that the Federal investment might have to be increased to 100 percent of costs. Senator Spong of Virginia said that if the District did not appeal the decision, it would have to comply with the 1893 procedures as quickly as possible. He did not want to criticize the court. “But it is disappointing that the effect of the decree will be to postpone a final decision on the construction of the Three Sisters Bridge between Virginia and the District.

Representative Mathias, who was running for Brewster’s Senate seat, said, “Congressional intervention at this point can be precluded only if the Commissioner, the City Council and the National Capital Planning Commission exert constructive leadership and act immediately.” Representative Gude hoped the District would appeal the decision to the U.S. Supreme Court. “If it chooses not to appeal, I would think Congress would give it a modern instrument by which it can expedite the implementation of its highway program.” He added, “This might well be a pyrrhic victory for the anti-freeway forces, because of the far-reaching implications of the decision”

Chairman Natcher renewed his threat to withhold the District’s matching funds for the initial 25-mile rail rapid transit system:

Our committee believes that there is a place for both the freeway system and the rapid transit system in our capital city.

In order to meet the tremendous day-to-day growth in traffic, the highway program must be carried out along with the present rapid rail transit plans.

Members of his committee, he said, believed that efforts to halt the highway program would justify withholding the District’s matching funds for the transit system. “Our committee will carefully investigate the requests for both,” he said, with emphasis on “both.”

As the *Star* explained, Chairman Natcher held up District matching funds for the transit system in an effort to persuade NCPC to vote for the freeways. Plaintiffs in the lawsuit had argued that NCTA’s vote for the freeway agreement on NCPC’s key vote in May 1966 was a result, in effect, of congressional blackmail. The U.S. Court of Appeals, having rejected the four freeways based on noncompliance with Title 7, did not address this issue.

[“District Weighs Roads Appeal,” *The Evening Star*, February 16, 1968; Kaiser, Robert G., “Congress May Act to Unblock Freeway Projects,” *The Washington Post and Times Herald*, February 17, 1968; Flor, Lee, and Grigg, William, “Freeways Ban Perils Transit System funds,” *The Evening Star*, February 17, 1968]

One person who did not want credit for the decision was Peter Craig. As the *Post* reported, he had been fighting freeways since 1961, “raising many of the same arguments that prevailed Thursday, but which had been rejected by the District’s Highway Department and former

Commissioners.” Now that he was in the Department of Transportation’s Office of General Counsel, he had severed involvement with the District freeway fighters. He declined to discuss the matter with a reporter, but said too many people were involved to single any one person out for credit:

Mentioning his name at the Highway Department is like waving a red flag in front of a bull. “Peter Craig and that crowd” is a standard dismissal of antifreeway groups by one District official, who asked that he not be quoted

Craig produced extensive documentation challenging Highway Department traffic studies and backing up his contentions that new roads were not the solution.

One of his documents, entitled “Freeways and Our City,” is the Bible of freeway foes here.

Craig had helped involve Covington and Burling in the case, while attorney Gerald P. Norton and Roberts B. Owen built their case around his documentation:

The victory has one minor point of irritation on the antifreeway side. “Too many people seem to think we dug up an obscure law to win this,” said a lawyer who asked not to be named.

“It’s in the D.C. Code, under ‘Highways.’ Just because a law has been on the books since 1893 doesn’t mean it’s still not good. We’ve been telling the District for at least six years that they should abide by the law.” [“Freeway Fight Led By Lawyer,” *The Washington Post and Times Herald*, February 18, 1968]

The *Post* titled its editorial on the decision: “Freeway Debacle.” The ruling had abolished one solution to the city’s economic and social problems, “but it has not abolished the problems.” Maryland and Virginia were not subject to the 1893 law that the court relied on. As they continued developing their freeway networks, companies “and their jobs are going to emigrate to locations that are served by highways and the central city will become increasingly a place of stagnating commercial enterprises, increasing joblessness and mounting dependence upon relief”:

This is a prospect that may please those who would like to see the simple, pastoral community of the last century restored – buggies, carriages and all. For the moment, they have their victory and most of them will not be around to deal with the misery that will exist in the city if it is permitted to choke in its own traffic.

The prospect of further litigation “is not recommended by the frailty of the statutes.” Further, the “long and painful reconstruction of the program with appropriate hearings promises to slow down an already lagging schedule.” The fragile compromise that resulted in congressional approval of rail rapid transit was “now completely unstuck and probably beyond repair”:

The city may be lucky if it salvages even the transit appropriations, in the face of the refusal of some of the transit supporters to stand by the bargain that for all too brief a time promised to get the community both systems.

Perhaps Congress will “step in and legislate a freeway system for the District.” If Congress took care of those displaced by freeway construction, “this could work.” [“Freeway Debacle,” *The Washington Post and Times Herald*, February 17, 1968]

Star editors saw an easy solution that was reflected in the title of their editorial: “An Appeal to Congress.” The Roads Subcommittee of the House Committee on Public Works had indicated it might intervene. “The new ruling by the Court of Appeals in the freeway controversy makes that congressional action a matter of urgent necessity.” The ruling “hangs on a single legal thread,” namely compliance with the 1893 highway law that would drag the city back to horse-and-buggy days.” For example, Title 7 restricted Washington highways to a maximum of 160 feet:

This provision has no relevance whatever to the realities of urban freeway construction in 1968, here or anywhere else. It would be absurd to believe that Congress, in appropriating millions of dollars for the District system, intended that the program should be bound by such ancient restraints.

From a practical standpoint, the law’s “requirements would bog down this city in precisely the sort of confusion and controversy so eagerly sought by those groups whose goal is to defeat any freeway program.” That is why Congress needed to act:

The legal technicality on which this ruling is based can be readily overcome by legislation, and in the process Congress should also eliminate the senseless administrative roadblocks which Secretary of Transportation Alan Boyd has placed in the path of the freeway program.

The editors concluded that “it is not too much to hope that Congress will shield the Nation’s Capital from . . . botched-up judicial interference in Washington’s transportation system – one which, if it stands, will surely produce utter chaos in the very near future.” [“An Appeal to Congress,” *The Evening Star*, February 17, 1968]

The New York Times also commented editorially on the decision because of its “far-reaching significance.” The decision turned on a unique feature of District law, but “as often happens in the law, a procedural question really opens up the heart of the matter.” If city officials had been required to take local opinion seriously, they “would have almost certainly rejected this highway master plan which would slash through existing neighborhoods, destroying homes and businesses and radically altering the face of the city.”

The unique significance of the District’s freeway battle had “national significance” because the leaders of the highway lobby “have viewed it as the Dienbienphu of the long guerrilla war between themselves and the anti-freeway forces.” (In 1954, guerilla bands defeated the French in the Battle of Dien Bien Phu, prompting a French departure from Indochina, resulting in a partitioned Vietnam and eventually American involvement in the Vietnam War.)

The reason behind the routing of the North-Central Freeway was “an open secret in Washington,” namely:

This freeway would have run twelve lanes wide through neighborhoods that are mostly low-income or Negro or both. Most of the traffic from the suburbs that this freeway would carry, however, really wants to reach the predominantly white northwest corner of the city. But since white citizens did not want twelve lanes barreling through Georgetown and adjacent neighborhoods, they successfully fought to keep it out, and the route ended up being pushed eastward to poorer Negro neighborhoods.

The court ruling, the editorial suggested, might set a pattern for the Nation:

The bulldozing of Negro and low-income white neighborhoods has to stop. A shift has to come in the use of Federal funds from scandalously expensive freeways – \$25 million a mile in the District of Columbia – to more economical mass transit. [“A Brake to the Bulldozer,” *The New York Times*, February 21, 1968]

Searching For a Way Forward

As Congress began work on the Federal-Aid Highway Act of 1968, one of the many routine and extraordinary questions before it was whether Congress could overturn the Appeals Court ruling. One congressional aide thought Congress could pass a law that superseded those portions of the District code that the court said had been violated. Such a law might allow the District to proceed with the four expressways without the public hearings or decisionmaking that the court had ordered. However, another legal expert pointed out that such legislation would not work. Congress cannot pass legislation making a previous illegal act legal. These experts said the only option was to appeal the decision.

Even the question of jurisdiction was unclear. Pro-highway forces wanted the Committee on Public Works to address the problem. Of course, Representative Kluczynski had advised Secretary Boyd following his testimony that the committee would consider legislation in early 1968 to unsnarl the District’s freeway program. However, anti-highway forces thought the House District Committee had jurisdiction over a decision that turned on a District code. The committee had been critical of the freeway program and, as recently as 3 years earlier, had questioned the legal basis for it. [Flor, Lee, “Freeway Row Goes Before House Unit,” *The Evening Star*, February 19, 1968]

With hearings beginning on the 1968 Act, Chairman Kluczynski renewed his pledged to resolve the issue through legislation. Representatives from the area were cooperating in the drafting of the legislation.

Representative Cramer supported that approach. Lee Flor reported:

Cramer added that the court decision came as a shock to Congress because Congress thought it was granting the new District of Columbia government stronger responsibilities under the District reorganization plan proposed by the Johnson administration

Representative Cramer said, “It came as a shock that NPCPC would have the final say especially when the City Council is in the picture,” referring to its long opposition to freeways. [Flor, Lee, “House Unit Plans Move To Free Highway Work,” *The Evening Star*, February 20, 1968]

Drew Pearson, whose muckraking Washington Merry-Go-Round column was famous for its critical inside look at public figures, saw the present moment as “one of the most significant battles” of the day in Washington:

It’s the battle of a Florida Cracker, Alan S. Boyd, now Secretary of Transportation, to protect Negro and poor white communities against one of the most powerful lobbies in the nation – the freeway lobby.

No one ever suspected, when Alan Boyd was first recommended by his old University of Florida friend, Sen. George Smathers, that Boyd would turn out to be a sociologist and an opponent of lobbyists. But he has. The freeway lobby hates him, secretly is working to undermine him. It claims he must go.

(Senator Smathers was known for his opposition to civil rights for African-Americans.)

The lobby was concerned because Secretary Boyd had maintained “that freeways are not the sole solution of the transportation problem.” Officials should consider “mass transit, subways, high-speed trains, even monorails.” Worse, he had pointed out that “Negro communities are not the only ones to be relocated to make room for suburban commuter freeways. Wealthier communities should have to move too.” He had cited the North-Central Freeway as an example where, in Pearson’s words, the freeway had been “shifted over from a high-bracket residential community to a low-bracket area, because the white residents pack more political punch than Negroes do.” Pearson quoted Secretary Boyd:

We should not just tear up the homes of poor people and Negroes. We ought to make a determined effort to put freeways where the traffic wants to go We’re going to have to find a better way to do it than say we’re going to take the property of poor people and let everybody else alone.

The chairman of the Highway Users Conference, Harold Wirth of Firestone Tire and Rubber, had responded, “If these people around Boyd had their way, there wouldn’t be a paved street in Washington.”

In the wake of the U.S. Court of Appeals ruling, Mayor Washington was in the middle of the dispute, as Pearson explained:

Secretary Boyd has said he’ll let him make the decision. This puts Washington in the position of either bowing to white wealth and the powerful highway lobby or siding with the poor members of his own race.

Pearson also commented on some of the congressional supporters of the District freeway program:

- Chairman Fallon, “a potent friend of the highway lobby,” had “just returned from Puerto Rico, where he spent the Christmas holidays with a Public Works subcommittee. Refreshed and tanned, courtesy of the taxpayers, he’s ready to fight the battle of the lobby.”

- Chairman Kluczynski, “a Polish restaurant operator and caterer,” opposed the Highway Beautification Act and “has been a friend of billboards along new highways.” Likewise, he was “a pal of the freeway lobby.”
- Representative Cramer, another “friend of billboards,” operated a laundry in his Florida district, “partly owned by his campaign manager, Jack Insko, who in turn gets a salary of \$15,063.48 from the U.S. taxpayers courtesy of being on Cramer’s Congressional payroll.” The laundry had an \$80,000 contract “to wash the linen for MacDill Air Force Base in Florida.”
- Chairman Natcher, “perhaps most important of all,” illustrated “the inequity of one-man committee rule by threatening to cut off funds for Washington’s new subway if Secretary Boyd continues to block money for D.C. freeways.”

Pearson added, “This is how powerful the freeway lobby is.” The amount of their contributions to “these Congressmen’s campaign funds is not always recorded.” [Pearson, Drew, “D.C. Mayor on Spot in Freeway Fight,” *The Washington Merry-Go-Round*, *The Washington Post*, February 21, 1968]

On February 19, Mayor Washington met with about 15 freeway opponents, including representatives of ECTC, the District Democratic Committee, the Northeast Neighborhood Council, ACT, and, arriving late as usual, PRIDE’s Marion Barry. As summarized in the *Post*, they demanded that the city:

- Remove all freeway items from the city budget.
- Fire Thomas F. Airis, head of the Highway Department, and Lloyd A. Rivard, chief of highway planning and programming.
- Replace Highway Department personnel who live in suburban areas.
- Adopt the Arthur D. Little report calling for building subways first and then looking at the need for freeways.
- Move displaced persons back to their homes with the District assuming all financial obligations.

During “the heated confrontation in his outer office,” Mayor Washington listened as Booker said ECTC had entered a new phase of “militancy and resistance.” Barry said that if peaceful methods did not work, opponents would turn to other methods.

During the meeting, Mayor Washington was friendly toward several participants he knew. But the *Star* reported that “he had engaged in debate with Booker, who described the meeting as ‘not a happy or gala occasion.’”

Earlier in the day, Mayor Washington had said he would open a Neighborhood Assistance Office, at 2726 10th Street, NE., to reduce the hardship of people who had sold their homes and arranged to leave before the U.S. Court of Appeals decision. He said the city was not sure where the displaced people had gone, but added, “We’re trying to find the people, identify them and help them.”

When Mayor Washington told the anti-freeway group about the office, they protested that the staff did not include a citizens representative. When he agreed to hire one on the spot, the groups recommended Chairman Pryor of the Brookland Civic Association. Later, Assistant Mayor Fletcher confirmed that Pryor would be hired on a per diem basis. [West, Hollie I., "D.C. to Help Its Freeway 'Refugees,'" *The Washington Post and Times Herald*, February 20, 1968; Delaney, Paul, "Foes of Freeways Visit, D.C. Mayor Hires One," *The Evening Star*, February 20, 1968]

On February 21, Senate Majority Leader Mansfield appeared briefly on the Senate floor to introduce a letter into the record from Mrs. Anne Archbold, one of the donors of Glover-Archbold Park, to Mayor Washington. She said that she had donated the land in 1924 as a memorial to her father, John Dustin Archbold:

It was my purpose that this beautiful wooded valley be preserved perpetually for the benefit and pleasure of the public. Over the years my family and I, together with the Glovers, have had to resist efforts to convert the valley for other than the original purpose. It should remain and be enjoyed by all as a natural sanctuary.

I am told that the Department of Highways is anxious that a Three Sisters Islands Bridge be constructed at the bottom of the Park. I am told that any such construction would lead to a highway project within the Park, which would destroy the purpose for which the land was given. I urge most strongly that the bridge proposal be disapproved, and ask your support to this end.

Senator Mansfield added his hope that Mrs. Archbold's wishes "will be observed and adhered to, because after all, without the Glover-Archbold gift there would be no parkway, no beautiful valley in that part of Washington at this time." He added, "I would not like to see it destroyed." [Preservation of Glover-Archbold Park, *Congressional Record-Senate*, February 21, 1968, page 3750]

(On March 26, 1968, Mrs. Archbold, 94 years old, died of a heart attack at her winter home in Nassau, the Bahamas. Her *Post* obituary referred to her as "a colorful figure in Washington society for more than 45 years." She had many interests, but the article added that, "From 1948 until her death, Mrs. Archbold and the Glover family opposed a series of plans to construct high-speed highways through the wilderness of Glover-Archbold Park." ["Park Donor Anne Archbold, 94, Dies," *The Washington Post and Times Herald*, March 28, 1968])

The *Star* reported on February 23 that during a February 20 victory celebration, attorney Robert Kennan revealed a "secret document" that had been presented during an unreported meeting at the White House on February 9, the day the U.S. Court of Appeals issued its injunction. Officials from the District, HUD, and the Interior Department attended the meeting. According to the document, District officials had been considering three options for restudy of the freeway plan that they perceived as major concessions to anti-freeway forces.

The document stated:

The D.C. Department of Highways and Traffic will review plans for the [North Central] freeway to be absolutely certain that no properties are taken which are not essential and to determine whether the right-of-way could be adjusted to reduce displacement.” The D.C. Department of Real Estate will review its appraisal and acquisition procedures to assure that property owners receive the fair market value for their properties in every case, and to assure that the fair value properly reflects the particular real estate market conditions currently prevailing in the area.

For those families whose homes must be taken for the freeway and for those who wish to remain in the same general area, the Department of Highways and Traffic will attempt to make arrangement to move a reasonable number of homes to available vacant lots in the area.

An immediate review will be made of the I-70-S and I-95 routing through the District and the State of Maryland by the Bureau of Public Roads, the District Government and the Maryland State Roads Commission.

The *Star* reported that during the victory party, “Kennan asked sarcastically, ‘How in the world are you going to move a brick rowhouse on 10th Street NE to a vacant lot?’”

The document also indicated the District would redouble its effort to secure air rights legislation to allow development of North-Central Freeway sites “for housing and other community use.”

The document concluded:

These decisions have been made after careful consideration of the many problems connected with the freeway system and after extensive discussions with citizen groups and with the public agencies involved in the program.

The meeting ended abruptly when Director Airis called to inform Deputy Mayor Fletcher about the injunction.

Asked by a reporter, Deputy Mayor Fletcher conceded that the document was real, although he denied that the meeting was “secret.” The document Kennan released described one of the three options considered during the meeting, adding:

“That one was the one decided upon. We were in the midst of negotiation when the injunction was given. We were very close to coming up with some kind of a compromise. I can’t say if we would have announced it within a week, two weeks, or one day”

He said the three alternatives were under consideration a month ago, and indicated that at the time of the injunction, both District and federal officials were contemplating a complete review of the city’s freeway program

Fletcher was concerned that the city’s position would be misinterpreted. “We were trying to do the right thing at the time,” he said. “Are we the good guys or the bad guys?”

. . . The document concluded:

These decisions have been made after careful consideration of the many problems connected with the freeway system and after extensive discussions with citizen groups and with the public agencies involved in the program.

[Delaney, Paul, and Groer, Anne, "D.C. Was Set to Pacify Freeway Foes," *The Evening Star*, February 23, 1968]

The *Post* reported on February 25, that Mayor Washington and Corporation Counsel Duncan had reached several conclusions:

There are strong racial overtones to the highway problem. The Mayor and Duncan both accept, at least in part, the validity of freeway opponents' charges that the city wants to build "white men's highways through black men's bedrooms."

If the city decides to appeal, the Mayor is said to believe, people may interpret this as a vote for the white man over the black. The same is seen as true if the city decides to seek legislation to circumvent the effect of the Court of Appeals decision.

On the other hand, Washington and Duncan are aware of the strong Congressional and suburban interest in completion of the basic freeway program. They would like to be able to satisfy these interests without alienating the city's Negro population – a trick they acknowledge may well be impossible.

The city could lose millions of dollars if it acts too hastily to stop work on freeway projects not mentioned in the recent suit. The District could also lose a lot of money if it failed to stop action now on projects that later suits could tie up at more expensive stages

. . . .

The District could overcome most of the problems caused by the Court of Appeals' decision if it followed the procedure the Court said was necessary before freeways are built. But following this trail – culminating in approval by the Mayor, City Council, and National Capital Planning Commission – could take six months to a year, officials believe. [Kaiser, Robert G., "Mayor, Aides to Meet," *The Washington Post*, February 26, 1968]

On March 5, 1968, the city council met to discuss the plan for public hearings. Before the session could begin, the council had to deal with Sammie Abbott. He and five other ECTC members stood before the rostrum and said they would not move until a special meeting on freeways was scheduled. "I put my hands on this bench," Abbott said, "and we will stay here day and night until you decide to call a hearing."

Councilman J. C. Turner, president of the Greater Washington Central Labor Council of the AFL-CIO, jumped to his feet, shouting, "Mr. Chairman, I object to this kind of bullying tactic" and accused Abbott of using similar tactics to interrupt other meetings. Abbott replied, "Listen Turner, I'm familiar with your Jim Crow unions I'm using union tactics."

When the confrontation ended, the City Council decided on March 13 as the date for the public hearing. [West, Hollie, I., "Council Sets Hearing on Freeway Dispute," *The Washington Post and Times Herald*, March 6, 1968; Delaney, Paul, "D.C. Freeway Fight Reopens," *The Evening Star*, March 5, 1968]

The *Post's* City Life column reported on March 10 that, "The District has decided not to appeal last month's U.S. Court of Appeals decision against further work on four freeway projects here." During a meeting on March 7, Mayor Washington, Deputy Mayor Fletcher, members of the city council, Corporation Counsel Duncan, and highway officials agreed to ask Congress for legislation to resolve the issues:

The City wants new procedures written into law to govern modern freeway construction.

It may also seek clear legal authority to go ahead with half-finished, non-controversial segments like the Center Leg, implicitly threatened by last month's decision.

The corporation counsel's office was drafting the legislation. ["Congress to Get Freeway Plea," City Life, *The Washington Post and Times Herald*, March 10, 1968]

In anticipation of the special meeting on freeways, the Committee of 100 on the Federal City issued a statement on March 12 arguing that District highway officials had misled the Roads Subcommittee in December about the need for the Three Sisters Bridge. According to the statement, the bridge was not needed for 1990 traffic. The analysis of the District's testimony on December 5 and 6 "shows conclusively that the House Committee was misled by the testimony given – testimony which it should have had every reason to believe was from a reliable source."

The committee disputed the Voorhees study, conducted for WMATA, that was the basis for the testimony. The study, the committee's analysis said, had projected transit use without taking into account the planned transit bridge to be added to the 14th Street Bridge complex. Other assumptions about 1990 traffic, the analysis claimed, also were invalid. For example, the Chain and Key Bridges could accommodate several hundred more vehicles an hour if the Three Sisters Bridge were not built.

Had the District's testimony been accurate, in the committee's view, the Committee on Public Works would not have issued an ultimatum to Secretary Boyd demanding construction of the bridge. [Flor, Lee, "House Called Misled On Sisters Bridge Need," *The Evening Star*, March 13, 1968]

At 7:45 p.m. on March 13, Chairman John W. Hechinger called the special meeting to order in the District Building's Board Room. As the *Post* put it, "It was almost the last thing he was able to do promptly and very little order materialized." The standing room only crowd was about evenly divided among pro- and anti-freeway forces, with numerous speakers scheduled to make 5-minute presentations on both sides of the issue.

Elizabeth Johnson of the League of Women Voters was the first speaker, intending to explain the league's opposition to the freeways. But ECTC Chairman Booker grabbed the microphone

“shouting that the hearing was no hearing at all, but more of a meeting – and that he was against it.” He yielded the microphone to Abbott, who repeated the charge.

At 8:05, Johnson was still trying to reach the microphone, but Charles I. Cassell grabbed it to speak in support of Booker and Abbott. Cassell, an architect, represented the Black United Front (BUF), a group formed in January 1968 at the suggestion of Stokely Carmichael. Chairman Hechinger called a recess.

As the city council filed out of the room, they heard a chorus of catcalls: “Listen or Resign!”

When the city council came back into the Board Room, they saw that Booker and Abbott were still blocking Johnson from the microphone. Hechinger told them, “behave yourself.” But in the end, Johnson was one of the few scheduled speakers able to make a presentation. “The freeway opponents listened after a fashion, most of them apparently in surprise that she turned out to be on their side.”

Several freeway critics issued open threats, as Lee Flor reported:

The most open threats voiced at last night’s hearing came from W. L. Staton, of Pride, Inc., who attended the hearing in his Pride uniform, green pants and white shirt with his name lettered on the shirt.

Staton said the council would get the city into big trouble if it continued to favor freeway construction. “Big trouble – trouble-trouble,” crowd members shouted.

A member of the crowd shouted that the trouble in Washington would make previous riots in other cities look like “Sunday school stuff.”

Staton reached into his pocket, pulled out a matchbook, and opened it in front of the council. “This will stop it,” he said, as he held the matches up.

A member of the crowd shouted at a pro-freeway speaker that he could expect a Molotov cocktail. Other members of the crowd said they would picket the home of Deputy Mayor Thomas G. Fletcher and would follow him around to church and other activities in an effort to put pressure on him to stop working for freeways.

Hechinger had to use his gavel through most of the meeting, and commented on how the crowd was not honoring witnesses from the pro-freeway side and was not respecting the council.

Hechinger “aroused the crowd’s wrath by asking for the home addresses of the witnesses. They saw this request as a direct attack on Abbott, whose home in Takoma Park, Maryland, was no longer threatened by freeway construction.

When Booker’s time to speak arrived, he turned the microphone around so he could address the crowd. He explained, “I’m going to face the people – not some of those criminals who sit on the

city council.” Freeways, he said, benefit lily-white suburban people at the expense of Negroes in the ghetto.

Marion Barry said the freeway situation was a “race issue” and called the meeting “useless.” If the city did not end the freeways, the result would be riots. Julius W. Hobson, another civil rights advocate, called on the “black men on the Council” to oppose the freeways because they would “put black women and children out on the streets.”

Rear Admiral O. S. Colclough of Downtown Progress “managed a well-heckled five minutes at the mike, but several other scheduled pro-freeway speakers left the meeting early without presenting their views.”

Flor added that the crowd “appeared angry” about reports the District had decided to seek congressional relief from the U.S. Court of Appeals decision. Hechinger denied that the council had decided to seek White House support for legislation “and said the council was not even considering the issue.” [West, Hollie, “Foes Disrupt City Hearing on Freeways,” *The Washington Post and Times Herald*, March 14, 1968; Flor, Lee, “Militants Voice Threats to Council at Freeways Hearing,” *The Evening Star*, March 14, 1968]

By then, Chairman Kluczynski was ready to intervene legislatively. On March 18, he introduced H.R. 16000, a bill to require the construction of certain Interstate routes in the District of Columbia. It proposed to insert a new provision, Section 313, into Title 23, United States Code, that provided:

Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, as soon as possible after the enactment of this section, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled “1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia” Such construction shall be carried out in accordance with all other applicable provisions of this title.

He referred to the bill as a “simple one,” saying:

I have waited several months before I proceeded with legislation in the hopes that this most very important matter . . . could be resolved in an administrative manner. However, after more than 2 months since my statement of December, no further action is forthcoming to resolve the problem.

The Interstate System was “the responsibility of the Congress as well as the States and since the need for the program has been proven throughout the years,” the legislation was needed to accomplish the goals of the Federal-Aid Highway Act of 1956. He planned to hold hearings on the bill, during which “all parties who are interested in testifying on this bill” would be given the opportunity. [Completion of Segments of Interstate System Within The District of Columbia, *Congressional Record-House*, March 18, 1968, pages 6737-6738]

The Highway Users Federation's Wirth predicted the bill would get a lot of support. "This is the Nation's Capital, and belongs to all of the people. Congress is the voice of all the people in the United States speaking."

By contrast, Tilford E. Dudley of the District Democratic Central Committee expected the legislation to arouse opposition. "This legislation would impose highways on the people, regardless of whether they want them, in a dictatorial fashion." Edward J. MacClaine of the District Federation of Civic Associations, called H.R. 16000 "undemocratic. Our opposition to the freeway system is our fight to preserve American homes from the threat of freeways throughout the country This is a strong-arm power play." [Flor, Lee, "Bill to Finish D.C. Freeways Hailed, Scored," *The Evening Star*, March 19, 1968]

Star editors disagreed that the bill was a dictatorial interference in local matters. In view of the U.S. Court of Appeals' reliance on an 1893 highway law for its decision, Congress had a clear responsibility to restate the authority of the city to build highways:

What is needed now is a clear-cut assertion from Congress that the inability of the administration and the District government to advance the program through their own initiative has reached a point of absurdity that is no longer tolerable

The truth, too long avoided, is that the endless delays, the administrative stalls, the failures of effective decision-making and the so-far-successful efforts of several groups to block the completion of a freeway system here have all left Congress with no alternative but to act.

The editors applauded efforts by Maryland's Chairman Wolff to promote national legislation that would compensate displaced homeowners based on the fair-market value of replacement housing. They also endorsed the pending air rights legislation for the District. Proposals of this type were responsive to the issues as the heart of the debate:

Such proposals, however, will not dent the opposition of those who are blind to the necessity for urban freeways under any circumstances – and we trust the House subcommittee will not permit itself to be diverted from its primary responsibility.

Congress' first obligation is to see that a reasonable freeway program, as part of a balanced system with rail transit, is built. Mayor Washington, for his part, has a strong obligation to assure Congress of his total support in that venture. ["The Freeway Impasse," *The Evening Star*, March 20, 1968]

On March 27, an unnamed District official told reporters that the city had decided to consider resuming work on several freeway projects that were covered by the reasoning of the U.S. Court of Appeals decision, but not explicitly cited. The projects were the 9th Street Expressway under the National Mall, interchange "C," and the Center Leg Freeway. Work had proceeded too far to stop on the 9th Street Expressway and interchange "C," with all property acquired for the two projects. Officials would have to acquire additional properties for the Center Leg Freeway between Massachusetts Avenue and New York Avenue. ["Some Work On Freeways To

Continue,” *The Evening Star*, March 38, 1968; “2 Freeway Projects Continue,” *The Washington Post and Times Herald*, March 38, 1968]

Chairman Natcher’s Views

While Chairman Kluczynski was preparing for hearings on his District freeway bill, Chairman Natcher began hearings on April 1 to consider the District of Columbia’s appropriations act for FY 1969. Mayor Washington, Deputy Mayor Fletcher, Chairman Hechinger, Vice Chairman Fauntroy, and other District officials were the first witnesses. (Throughout this and later hearings, Chairman Natcher referred to Washington as Commissioner Washington or Mr. Commissioner, his official title.)

The hearing covered all aspects of the city’s budget, but Chairman Natcher made his views clear regarding transportation in a brief comment:

Now here in our Capital City for a number of years we have had problems concerning our freeway and highway system. Mr. Commissioner, the members of this committee have believed for a number of years now that there is a place in our Capital City for both a freeway system and a rapid transit system, and any effort that is made at this time or at any time in the future to kill off the freeway system at the expense of building a rapid transit system is a serious mistake and one that I think the majority of the people in the city do not agree with, and it has been clearly shown to be the true fact all down through the years. As we consider the budget we will take a careful look at the requests for our highways, for our freeway system, and for our rapid transit system. Speaking only for myself, I hope this year we can carry both of these programs. In the past we have had to delete and take out of the budget the money requested for the rapid transit system until we stopped some of the chicanery and efforts that have been made to stop construction of the freeway system. I hope that is not the case this year and I hope we can go along with both systems. [District of Columbia Appropriations for 1969, Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives, 90th Congress, 2d Session, H.R. 18706, Part 1, page 104]

When WMATA officials, including Chairman Gleason and General Graham, appeared before the subcommittee on April 4, Chairman Natcher elaborated on his view. He explained the importance of a balanced transportation system that included freeways and rail rapid transit. “We believe that in order to meet the tremendous day-by-day growth of traffic and highway problems, we must have both systems.” Any effort to hinder one system “to benefit the other was a serious mistake.”

A few years earlier, when problems with freeways occurred, the subcommittee “did a little checking” on how much money had been spent on plans and specifications. He said, “we were amazed to find out just how many million dollars were involved”:

We do not blame you for the efforts that have been made to destroy the freeway system here in the District of Columbia. But one thing that confuses me – and I am speaking only as one member of the committee – is why we now find one or more of the opponents

of the freeway system employed and occupying positions in the new Department of Transportation.

That mistake confused him, especially when he reads newspaper editorials that essentially said, "My Boyd, who do you think you are fooling?" (He apparently was referring to the *Star*'s January 18 editorial "Boyd's Distortions," which did not use that phrase, but criticized his "demagogic irresponsibility" and called him the "Secretary of Anti-Transportation." Chairman Natcher introduced the editorial for the record [part 2, page 44].)

Chairman Natcher referred to 1963, when President Kennedy intervened in the highway program:

I had an opportunity to discuss this matter with him and I informed him that it was a serious mistake to bring the highway program to a complete halt. This was not the way to build a rapid transit system in the city of Washington, and I explained it to him. He was ill advised and his letter followed.

He recalled the subcommittee's efforts through the years to get the freeways built as part of the balanced transportation system:

Two years ago we begged and pleaded with them to continue the freeway system. We said to them, "If you do not do it, we cannot recommend rapid transit money."

On the House floor, he pointed out, the bill that included the delay in matching funds passed with the support of 320 Representatives. Only 3 Representatives voted against it.

He emphasized to General Graham, "There is not a man sitting on this side of the table, General, who has tried to stop the rapid transit program."

Referring to Chairman Kluczynski's bill, Chairman Natcher said it "may solve the freeway matter," but he did not know if or when:

I wanted you and the members of the Washington Metropolitan Area Transit Authority to know that as far as this committee is concerned, and speaking for myself as one member, General, I cannot recommend to this committee that we appropriate money for a rapid transit system if the freeway system in our city is halted. I just cannot recommend it to them.

He realized that NCTA under Administrator McCarter and WMATA had not done anything to stop the freeway system:

You know when Mr. McCarter was on the Planning Commission, he had nerve enough to stand up and vote like a man time after time. And General, if you do not believe it, go back and check the record. They did put pressure on him and he voted right and he voted for the best interests of our capital city.

McCarter had the chairman's respect.

He recalled the evolution of rapid transit proposals. First, he said, came NCTA's 98-mile system at a projected cost of \$1.29 billion. Then they cut it back to the 25-mile bobtail system at \$431 million.

Now WMATA was proposing "89, 98 miles, 110 miles" that was going to cost "not a billion dollars, it is going to run a little over two billion dollars, and General, a whole lot of money is going to be District of Columbia money that they have to borrow out of the Federal Treasury. They do not have it, they have to borrow their share, and it has to be amortized down through the years and paid out of the budget." He was not sure the District could afford it or that the House would vote for it.

He wanted the facts on the table, namely, "you will never pay for it out of the fare box. Go to New York and ask them and go any place and ask them." He admired McCarter for his honest answer when Chairman Natcher asked if the \$1-2 billion cost could come out of the fare box. "You cannot do it," he answered. The taxpayers of the 50 States will end up paying for it. "That is who is going to pay for it."

Meanwhile, if the funding is found, the next thing that will happen is the police department will appear before the subcommittee asking for millions of dollars for a thousand extra officers to cover the rail rapid transit system. "Just as sure as you are sitting there, General, and we know it."

The city deserved the transit system, but he did not know if the taxpayers of the 50 States would "want this much money invested that comes out of the Federal Treasury." He added:

President Kennedy was one of the finest men that ever lived, and I say that to you frankly. One afternoon they called and said he wanted to see me and I went down there, and he said, "Bill, I want to ask you a question. Are they right or wrong about the rapid transit setup and the freeway system?"

I said, "Mr. President, they are wrong about it," and I explained to him why they were wrong about it. He believed, General, that our committee was trying to do right because we are for both systems.

He closed his statement by telling General Graham:

I say to you frankly I cannot as the chairman of this committee recommend rapid transit money to the Congress of the United States if they are going to kill the freeway system here in the city of Washington. [pages 432-437]

On May 2, Director Airis, Chief Rivard, and other officials of the Department of Highways and Traffic appeared before the subcommittee. In an opening statement, Airis discussed all aspects of the department's operations.

On the subject of freeways, he referred to three significant events "that have brought new starts on the freeway construction program to a standstill." The first occurred in May 1967 when the

city asked NCPC for stage 3 approval of the Three Sisters Bridge. Instead, NCPC asked Secretary Boyd to review the need for additional lanes.

In succeeding months as everyone waited for Secretary Boyd's views, "neither the Secretary nor his principal aides have consulted with the highway departments of Maryland, Virginia, or the District of Columbia, although all are vitally concerned if the Secretary is actually contemplating changes in long-established routes." Despite articles in the newspapers about his views, he never really responded directly to NCPC.

During the December hearings before the Roads Subcommittee, Secretary Boyd said he would soon place a few questions before the area's three highway commissions. "He said this should not take very long. This has been almost 5 months ago, and the three highway departments have yet to receive the first piece of correspondence from the Secretary." Airis recalled the mandate from Chairman Fallon, and Secretary Boyd's reply that he was still not ready to render a verdict.

However, on February 29, 1968, Assistant Secretary Mackey wrote to NCPC:

Recent events, including the decision by the Court of Appeals of the District of Columbia have placed these issues in a different perspective, and additional evaluation by the District of Columbia and other units of the government is required to resolve the questions which exist with respect to several highway projects, including I-266. The Department's view is that the questions raised in your letter to the Secretary should be appropriately considered in this evaluation.

Airis said of the first event:

In short, Mr. Chairman, the referral to the Department of Transportation by the National Capital Planning Commission last May has in effect nullified all freeway planning activity for a full year. How long it will continue, of course, we do not know.

The second event was a cutback in obligation authority imposed by the Department of Transportation as part of President Johnson's budget cuts to support funds for the Vietnam War. Just a week earlier, the Department had increased the city's budget, allowing it to proceed with the Center Leg Freeway, interchange "C," and replacing the old 14th Street Bridge. "However, from a practical standpoint, we are prohibited from proceeding on two of these projects because of implications resulting from the recent court order."

The final event was the setback brought about by the U.S. Court of Appeals' February 15 decision. It affected the four projects in question but raised doubt "as to the legality of all our freeway projects." He summarized the decision related to the 1893 highway law. "Freeways were, of course, not even known 75 years ago, making those statutes totally unmanageable for a freeway program." He mentioned Chairman Kluczynski's bill "to correct this legal deficiency."

He concluded by discussing the increased cost of completing the Interstate System, and explaining that the city was not close to obligating enough funds to complete the Interstate freeways on schedule. [Part 2, pages 5-12]

Chairman Natcher took this opportunity to begin a long review of the committee's views:

Mr. Airis, as you well know, for a number of years now, the National Capital Planning Commission has decided, for some reason or other, that the freeway system as set up in the District of Columbia should be stopped and brought to a complete halt.

When WMATA appeared before the subcommittee, Chairman Natcher said, he discussed the 7 years of freeway/transit battles. Now that WMATA was planning a 98-mile network, he emphasized to the WMATA officials that they would not be able to pay for it, or the bonds, out of the fare box.

He recalled the editorials about Secretary Boyd and the fact that he has aides who were among the anti-freeway leaders. In view of Secretary Boyd's views and the court decision, "I am unable at this time to make a recommendation to our committee that we go along with a transit request calling for millions of dollars if these people downtown and other organizations are holding up the freeway system and the highway system in the District of Columbia."

He recalled the newspaper editorial, the House vote of 320-to-3, and 7 years of obstruction. Why people opposed the freeways was "beyond me." He said:

We have had interference from almost every source, and I want you to know this, Mr. Airis, that I still think that people who are trying to do this to our Capital City are making a mistake and certainly I, for one, don't intend to go along with them.

He commended Airis for his consistent support of the freeway system, as well as the Engineer Commissioners who "stood up with us and our city":

We have had people on the National Capital Commission [sic] that I thought would have enough courage to stand up and cast votes for our Capital City as they should be cast. I have seen them vote one way and 2 or 3 weeks later vote another way. Now, that is not good. [pages 12-15]

Chairman Natcher asked if the District could complete the Interstate System on schedule. Airis replied:

From a technical and practical standpoint, if we could immediately get an authorization to go forward with the project as the system and the project was originally scheduled, yes; otherwise, no.

The chairman asked for confirmation that the District had spent \$20 million for plans and specifications and for proposals "that have not been placed underway and a lot of this money is money that we will never be able to utilize. We will never obtain any benefits from it by virtue of delay."

Airis confirmed that "\$20 million covers all planning prior to 2 years ago." Part of that amount had resulted in construction, "but a large part has not."

At Chairman Natcher's request, Airis explained when the first appropriation occurred for each leg of the freeway system, as well as the status of each leg:

Southeast Freeway

The first appropriation for the freeway was in 1958. Construction began in 1961 and would continue until about 1969 or 1970.

Potomac River Freeway

With the first appropriation in 1959, construction began in 1960, but no work was underway at present. "It is tied up with the Three Sisters Bridge and future construction depends on whether or not it goes through." Parts were in use, carrying 15,000-20,000 vehicles a day, "but it should be carrying four or five or six times that amount."

North Leg Freeway

Although funds were first appropriated in 1965, construction had not begun. It was "one of the segments that is farthest away from actual construction."

The 11th Street Bridges

Money was first appropriated in 1962. "Both bridges will be completed in 1969."

Interchange "C"

With first appropriations in 1962, "the usable segment over to Barney Circle should be completed, if current thinking is actually implemented, in 1969 or 1970, probably 1970."

Center Leg Freeway

Construction began in 1965 after an initial appropriation in 1960. "It is well along but requires some contracts at the lower end in order to make it a usable segment by late 1970."

Central Potomac River Bridge

Although funds were appropriated in 1963, no work had begun. "This is, of course, the Three Sisters Bridge to which we are referring and it is now in limbo." The city was holding \$580,000 for the project.

Southwest Freeway

Congress first appropriated funds for the freeway in 1954. Construction began in 1957 and it was completed in the early 1960s "except for feeders."

North-Central Freeway

With an appropriation in 1965, work began on the Taylor Street Bridge in 1967. “However, the project is currently held up entirely as a result of the lawsuit.

South Leg of the Inner Loop

Although funds were first appropriated in 1963, the project had undergone several design changes, but “this is one of the projects that is affected by the injunction by implication.”

East Leg Freeway

Funds were first appropriated in 1963. “No construction work has been done and it is one of the projects that has been included in the injunction, so no work can go ahead on that.” | [pages 20-21]

Chairman Natcher returned to that 320-to-3 vote. Because he had no desire to stop rail rapid transit, he had promised on the House floor before that vote that when the freeway system moved forward, “we would make a recommendation for rapid transit money.” Following the May 1966 NCPC support for the Policy Advisory Committee’s agreement, “we were then free of those shackles they had placed on the freeway system.” He had asked the House to support the transit funds:

We did exactly what we promised we would do. This is our position at this time. We were deceived before and after we turned the transit money loose the freeway system was stopped again.

Since that time, the National Capital Planning Commission, beginning shortly after the time when we released rapid transit money, proceeded to stop the freeway system.

He completed his summary of the situation by referring to Chairman Kluczynski’s effort to overthrow legislatively the U.S. Court of Appeals of the District of Columbia ruling against the freeways. [pages 26-27]

(On March 27, Chairman Natcher held the subcommittee’s annual hearing for citizens and organizations. Witnesses, of course, commented on a range of District government issues. Several witnesses discussed freeways briefly, pro and con, but the testimony was mainly on other subjects. [part 1, pages 734-860])

The Kluczynski Hearing

On April 2, 3, and 4, Representative Kluczynski held hearings on “The Interstate System in the District of Columbia.” He considered the hearings a continuation of those held in late 1967 when the subcommittee heard from government officials. He said he had “an open mind” about what should be included in the District’s Interstate System, but wanted “to hear what everyone has to say.” He had scheduled 80 witnesses for the 3 days. “I hope that each of you will present the highlights of your position in your oral statements; you may, of course, file additional statements for the record.”

The subcommittee's Ranking Republican, Representative Cramer, said, "I think we have a duty to show leadership here." He acknowledged problems "arising that perhaps were not completely foreseen at the time the system was established in 1956." He cited "political considerations," serious relocation problems that everyone should "try to find a solution to," and "serious location problems." The committee had asked the Johnson Administration for recommendations on relocation problems; they submitted a report on what the problems were and the costs, but minus recommendations:

I think these hearings can render a great service in helping point the way for this committee to determine how some legislative help and some of these relocations might be resolved not in 2 or 3 years from now, but now.

He added, however, that Congress had committed to completing the Interstate System, "wherever located," by October 1973.

The District's problems were unique, but had national implications:

It is particularly significant because the whole Nation is looking to the Nation's Capitol [sic] seeing the problems that exist, following its lack of leadership in many instances and some other major metropolitan areas are saying, political leaders and such, planners and so forth, that Washington is not solving its problem and why should we be in such a hurry to solve ours I think we have a duty to show leadership here

The hearings could "render a great service" in helping resolve the District's unique problems, which included "a circuit court of appeals decision that is apparently having the effect of causing complete stagnation relating to resolving these problems in the District and it involves an 1892 law [sic], involving the limitation of 160 feet of right-of-way; laws that have been on the books for years that obviously need review." [The Interstate System in the District of Columbia, Hearings on H.R. 16000 before the Subcommittee on Roads, Committee on Public Works, House of Representative, 90th Congress, 2nd Session, Committee Print 90-26, April 2, 3, 4, 1968, pages 2-3]

The first witness was ECTC's Cassel, an architect. He said ECTC "deplores this proposal to strip the new city government of one of the independent functions that it now has, that of conducting its own highway development program." Following the court ruling in the suit brought in part by ECTC, the city could have appealed to the Supreme Court or considered a new highway program. "Neither course was followed." Instead, H.R. 16000 implied that "it is in the public interest to circumvent the law and to nullify the Court ruling." He said:

A resumption of planned freeway construction in this city would result in continued property taking, disadvantages to people of modest means, widespread family dislocation, and the destruction of existing and potential neighborhood political entities.

For a minority community that had suffered "long years of exploitation, neglect, and abuse," Cassel said, forcing these freeways on the District "is the stuff that civil disorder is made of and bayonets and Stoner guns" cannot overcome the public's response to the damage done by the

freeways. He attributed H.R. 16000 and the support behind it to the “road gang,” which he described as “freeway proponents who insist on creating more massive concrete canyons containing accelerated treadmills for rapidly dumping pollution-generating vehicles into a downtown area which is already hopelessly congested during rush hours.”

The issue, Cassel said, was “clearly black and white, with insignificant areas of gray: Black and white in the sense that freeways solve no problems and create only additional burdens”:

It is also black and white in the sense that they are white men’s roads through black men’s homes. The convenience, illusory as it is, would be for white, not District residents to speed through black communities and to the waiting bottleneck in the center city. Now, ironically, the black victims of this heartless property taking would have limited or no access to the freeways.

The resulting anger, disgust, scorn, and distrust of government on the part of the victims should be obvious to us all by now.

When Cassel concluded his statement, Representative Kluczynski asked if Representative Cramer had any questions or comments. Representative Cramer replied that, “I do not intend to dignify his statement by asking any questions.” He said Congress had passed the 1893 law, and could consider whether a change was needed. He rejected the notion that “this is some sort of a vendetta against a certain group of people” and added that problems could be worked out. “I must say my personal reaction is that you do not accomplish much by coming before a committee of Congress to make a presentation such as you have.” [pages 4-6]

During the question period, Cassel made clear that he wanted to stop further freeways. He was not interested in suggesting alternative locations for them. He believed that rail rapid transit was the answer to the District’s congestion problems. He granted that the Congress had enacted the 1893 highway law and could change it, but he hoped it would not do so. [pages 6-12]

Reginald Booker, ECTC’s chairman, told the subcommittee:

We say no more white man’s roads through black bedrooms. This is the resounding battle cry of those people who I should say are poor black people and white people, black mostly who are fighting against the freeway bulldozer.

After citing freeway battles in Philadelphia, Nashville, San Francisco, and Cambridge, Massachusetts, he said, “the entire freeway program as we can see it here is a case of racism, whether this is by accident or by design it happens to be this way.” He cited Secretary Boyd as referring to the “freeway here in Washington” as “a classic example of racism”:

With the freeway originally being planned to come down the Wisconsin Avenue corridor and being shifted essentially because of the fact of the people and the business interests who reside on Wisconsin Avenue are white, it then was shifted to a black area and again as Secretary Alan Boyd said, this was done on the premise that the people on Wisconsin Avenue had people cowed and the area which it was shifted to, the people did not have what he called political acumen.

He summarized the Little report as concluding that the best alternative was to build the subway and then see what else was needed. He added that the District government was suppressing the report:

The District government also refuses to release this report to the public because of the fact that the report states most emphatically that the solution to the transportation crisis in the District of Columbia is not a massive freeway system which would bring havoc into the community, but a mass rapid rail transit system.

He described the members of the city council as President Johnson's "ranchhands because the people in Washington did not vote for them," and said they were attempting to circumvent the U.S. Court of Appeals' decision through H.R. 16000.

The city had even, Booker said, refused to hold public hearings on the freeway question as directed by the court. Challenged on that point, he dismissed the city council hearing on March 13 as a meeting, not a hearing. [pages 13-14]

On questioning, he stated that the numbers of people displaced by the freeways do not "really represent the misery that is brought to families" whose homes are acquired. Asked if he had figures on the number of displaced white families, Booker replied that in urban areas, the Interstate System "invariably boils down to the fact that the freeway always comes through black communities." Told that color had nothing to do with location, Booker said that the planners and architects involved in the highway program in Washington were "lily white":

You see, the question here is simply one of the fact that black people are never in on the planning stages of the freeway or highway from the beginning stage until the ending stage.

Here is a situation where black people and poor white people, they do not have control of their destiny and this is one of the issues here we are talking about. [pages 14-17]

Sammie Abbott was the next witness. He explained that his home at 7308 Birch Avenue in Takoma Park, Maryland, was in the path of the third lane of the North-Central Freeway, "as is also the magnificent home of my widowed mother-in-law, lovingly built for her by my bricklayer father-in-law." He was, therefore, not an interloper in District freeway debates.

He questioned why they had gathered "in this sanctified chamber of legislative brainpower and wisdom." On this point, he quoted a broadcast interview the day after H.R. 16000 had been introduced, during which Chairman Kluczynski had explained, "We've got to get the traffic moving." The day he introduced the bill had been rainy. Traffic was tied up "and our office staff was more than an hour late coming to work." Abbott said that their lateness "may be reason enough to question, to chastise, and maybe fire those employees that give some lame excuses for being late to work, but it is sure not enough reason to engulf the Nation's Capital in freeways eight and 10 lanes wide." The lateness of congressional staff "does not in the slightest reduce the destructive and debilitating effect of freeways upon citizens whose taxes I may add here, pay for the salaries of Congressmen and their staffs."

Abbott also suggested that the reason for H.R. 16000 and the hearings was “to get Congressman [sic] Gude and Broyhill off your back.” He was, Abbott said, there to help with this problem by letting Chairman Kluczynski know that contrary to what the two Congressmen may have told him, “instead of an overwhelming demand for freeways in the suburbs, there is an overwhelming demand against freeways in Montgomery County.” He cited the public hearing in March 1965 (“the only legally constituted public hearing according to the rules of the Interstate Highway Act that has been held in the metropolitan area”), during which not one citizen organization approved the freeways.

As for the District, he said:

On no other issue have there been such a unity and action involved [sic], from the affluent Georgetown and Foxhall Road areas to the black power champions of the ghettos, from the federation of civic associations to its counterpart, the citizens associations, the one issue which has united rich and poor, black and white, renter and homeowner, has been the fight to save the Nation’s Capital from the destructive octopus, the freeway.

Regarding the official hearings in February (“and we are putting quotes around the word official”), he called them “an empty farce.” Highway lobby representatives supported the freeways, but every other witness opposed them.

Moreover, former Engineer Commissioner Duke, in a deposition related to the citizens’ lawsuit before leaving for Vietnam, admitted that “not a single Commissioner had read a single paragraph of a single page of the transcript nor had they attended a single meeting. Abbott asked, “Now, what kind of a hearing was that?”:

The 1893 law was specifically guaranteeing the right of the citizens to public hearings and if you read the court decision you can see why the District of Columbia and the Government agencies involved were afraid to take it to the Supreme Court because it is pointed out in there that the District of Columbia more than any other State in the Union by virtue of being voteless [in Congress], must have the umbrella of public hearings and the right to petition and the right to speak.

So, if in this act, H.R. 16000, you attempt to override this, you will be, in effect, taking away from the District of Columbia the one right, you see, one of the vital rights guaranteed in the first amendment. I say it is the right to petition which involves this, you see.

The fact that the District commissioners neither attended the hearing nor read the transcript was “a shameful episode in the history of the District Government” and he urged the committee not “to buttress up an invalid freeway system that has reached the state it has now on an edifice built on the denials of the citizens’ rights.”

To date, neither Mayor Washington nor the city council had come out in favor of the freeways. Secretary Boyd said he would be guided by the mayor and city government, as had Public Works Chairman Fallon. Chairman Kluczynski had been quoted recently as saying the purpose of the

legislation “was to smoke out the District officials and the Department of Transportation.” Abbott asked if Chairman Kluczynski did not realize “that what you are doing is to try and separate these local officials from the very people, the very constituents here if you want to call them that, who are now unanimously opposed to freeways?”

Abbott said that if an individual white racist blew up “an individual Negro’s home by dynamite, he would be universally condemned,” but when the government “unleashes a set of bulldozers to drive thousands of families from their homes, demolishing established and integrated communities then only the victims object.” This “institutional white racism” is easily understood in the case of the District where 15 of the top planners were white and 13 of them live in the Maryland or Virginia suburbs.

He ended his testimony by saying:

In conclusion, the black population is not going to allow any more dislocations, disruptions, and destruction of its communities. I think this was made clear by earlier speakers. I will say, Mr. Chairman, that neither will their white neighbors.

We are united in this joint effort to uphold the ancient dictum a man’s home is his castle, interlopers beware.

What I am doing myself, Mr. Chairman, and I am putting it as precisely as I can, will the subcommittee continue to advocate and build urban freeways which by now in 1968 we know means to build the incendiary causes, the very objective set of conditions that will result from revolts, riots, or call them what you will, by a frustrated, disillusioned and bitter citizenry [sic].

No man, black or white, with an ounce of manhood is going to allow such unwanted and unneeded, unproven freeways to continue to spread like a cancer after we have seen the damage they do.

It is in the tradition of our United States that in defense of our private property, our homes, and communities we will stand united against the encroachments of highway lobbies and public officials who distort and misuse the right of eminent domain, taking our homes for freeways is not in the common good, not within the true meaning of eminent domain.

We read about citizens arming themselves every day against individual crime. I am telling this committee here that I am getting myself a shotgun to defend my home and posting a sign for all highway appraisers and officials to beware of. [pages 18-31]

These early witnesses faced aggressive, skeptical questioning from the subcommittee. At one point, Representative Frank M. Clark (D-Pa.), tried to put Abbott on the spot when he spoke of the need for mass transit, but Abbott, who would be arrested 34 times during his anti-freeway years, was not easily intimidated:

Mr. Clark. How did you get up here today?

Mr. Abbott. Oh, look, I was asked that. I came by horse and buggy. I got it parked right outside. I anticipated that. I was exaggerating.

Mr. Clark. Mr. Abbott, I asked you a perfectly honest question.

Mr. Abbott. I came piggyback and my wife carried me.

Mr. Clark. I say, sir, I asked you a direct question and I want a direct answer.

Mr. Abbott. I came by subway. I used the Senate subway. If it is good enough for the Senators, it is good enough for me. End of question.

Mr. Clark. How did you get to the Senate?

Mr. Abbott. I hiked.

Mr. Clark. Mr. Chairman, I want him to answer this question.

Mr. Abbott. I take the fifth amendment.

Mr. Clark. Then we should adjourn this meeting.

Mr. Abbott. I came by car, sir. You ought to know that, just like you came.

Mr. Clark. Why didn't you come by bus?

Mr. Abbott. The fact I came by car has no relevancy. I have no other way of coming.

What do you want me to do, come by pogo stick? [pages 26-27; number of arrests, Leveys, page 16]

Other witnesses on the first day included:

- Edward J. MacClane, president, District of Columbia Federation of Civic Associations – opposed the bill. “Since 1960, our organization has opposed the construction of freeways through the Glover-Archbold Park, the north leg of the inner loop, and 11th Street SE. The federation is unalterably opposed to the North-Central Freeway and the Three Sisters Bridge.” The main objection was to “the displacement of thousands of District residents from their homes and many small businesses.”
- Floyd H. Agostinelli, North East Neighborhood Council – He expressed “unequivocal opposition to H.R. 16000” because the District’s transportation problems “are inexplicably tied to serious economic, racial, and other social problem areas.” They must be taken into account in considering transportation options.
- Thomas P. Rooney, Assembly of the Full Faculty, Catholic University of America – opposed inclusion of I-95 through northeast Washington in the freeway network, noting that no public hearings had been held on the route, no justifications given for routing the Maine-to-Florida truck route through the city, no study had been conducted on the health and environmental impacts of the freeway, and no replacement housing was available. “Again, if you are talking about ghetto and impacted areas, relocation money means nothing because there is no low-income housing in Washington, D.C. More housing has been torn down by urban renewal, freeways, and commercial development in the District of Columbia than has been put up.”
- Frederic Heutte, executive committee, Catholic Interracial Council of Washington, D.C. – Council members, “along with all concerned citizens . . . had believed that the controversy surrounding the ill-conceived interstate freeway program for the National Capital had been settled on February 15,” by the U.S. Court of Appeals decision. “We oppose the basic plan of the forces of greed, thirsting for all that highway trust fund

money to build unneeded and unwanted freeways, freeways which serve the interests of money only and pollute our air and environment, serve also as ‘Chinese walls’ to divide our community physically, socially, spiritually, into ghettos, black and white, rich and poor.”

- Professor Leonard P. Siger, Gallaudet College – He supported “a compelling necessity on the part of Congress . . . to find a way of reconciling the seemingly contrary nature” of the Federal-aid highway program and meeting the area’s transportation needs. Without taking a stand on the bill, Dr. Siger offered to visit with the engineers who may have a “career problem” and with the committee members who “may have a political problem.”
- John Immer, chairman, D.C. Federation of Citizens Associations – The group opposed H.R. 16000 “as a matter of principle as interfering with the orderly process of planning in the District of Columbia.” The bill would leave District residents “helplessly exposed to a splurge of highway projects.” Assuming that some members of the committee supported home rule, “how can those members cry for home rule as they stomp in the dust those who protest the taking of their homes?”
- Colonel Robert F. Evans, U.S. Army (Retired), president, Citizens Association of Georgetown – “This association has long opposed the construction of the Three Sisters Bridge not only as destructive of one of the most beautiful scenic vistas in the metropolitan area but also as a menace to the future of Georgetown.” Given the area’s desire for restoration of the waterfront, “construction of a superhighway through this area whether on stilts, at surface level, or in a cut, would block this long-sought objective.”
- Dr. Edward L. Maillet, Brookland Area Coordinating Council – He considered H.R. 16000 “a singularly bad piece of proposed legislation, even a dangerous one.” The council would be “vehemently opposed” to the bill even if Brookland “were not so directly affected” because the “implications of this proposed legislation reach beyond any one neighborhood of Washington, D.C.; indeed they extend beyond any one city.”
- Simon Cain, president, Lamond-Riggs Citizens Association – The association was “unalterably and inexorably opposed to the current freeway plan for the District of Columbia.” The committee was trying to impose “these injustices upon us.” He said, “I never thought that I would see the day when the Congress of these United States would move to ratify such an illegal action as that about which we are speaking – namely, the court suit and the highway program for the District of Columbia—and thereby become a party thereto. God forbid.”
- Bernard W. Pryor, Brookland Neighborhood Civic Association – Brookland residents “live in an area that is being harassed by the Highway Department to get us out of our homes to let the freeway monstrosity come through and break up our neighborhood”:
The Government is supporting a program to kick the Negro in the teeth by taxing them to pay for freeways they do not want and cannot use. The system of freeways throughout the country seems to be directed through Negro areas, to destroy the unity of whatever political status they possess.
- James E. Drake, president, Foxhall Village Community Association – He was not opposed “to the interstate program per se,” but he opposed the Three Sisters Bridge because of its impact on the community and Glover-Archbold Park. The association opposes H.R. 16000 because it would require construction of the bridge, abridges citizen

rights, and would overturn a court decision that the people of the District “have a right . . . to be heard just as do the citizens of any State in the Union.”

- Grover Chapman and Robert Kennan, Jr., Committee of 100 on the Federal City – They disagreed with statements about the Three Sisters Bridge by “Mr. Thomas Airis of Potomac, Md . . . and Mr. Lloyd Rivard, of Alexandria, Va.,” for example disputing that any of the 10 studies Airis displayed during his testimony “provided any justification” for the bridge. Kennan questioned the traffic projections, including the latest report by Alan M. Voorhees and Associates, and suggested that the committee’s review demonstrates that “there will be no need in 1990 for a bridge across the Potomac River at Three Sisters Islands, but rather at some location between the 14th Street and Woodrow Wilson Bridges.”
- Alfred J. Zmuda, Metropolitan Citizens Council for Rapid Transit – Favored the rail rapid transit plan because “additional freeways, parkways, and bridges will not contribute to the solution of the primary transportation problem in the area.” He cited gross errors in traffic projections. “Freeways and parkways play no significant role in rapid movement of people as they are too inefficient,” since rail rapid transit “can take as many people as 20 lanes of highway.”
- Harry J. Quintana, 2MJQ (Black Advocate Planners) – He did not express a position on H.R. 16000, but advocated improved bus service instead of rail rapid transit. He referred to two types of transit: “very clean, conveniently timed, courteously operated” systems for middle to high income residents who owned private vehicles and “very crowded, irregularly timed system, manned by sadistic uninformed cattle ranchers” for the low income who “receive few public amenities, and exert no influence over their fate within the classical context of law and order.”

One additional witness was unfamiliar with H.R. 16000 and the issues that led to it. Avon N. Williams, Jr., of the law firm of Lobby and Williams in Nashville, Tennessee, had visited a member of the committee staff, heard about the hearing, and agreed to testify without a statement. He represented the Nashville I-40 Steering Committee in its court battle to stop I-40 from being built through the African-American community in North Nashville. The route would separate historically black colleges and take out homes and businesses along the entire length of Jefferson Street, which was the “main business drag for Negroes”:

In this general area lie approximately 234 Negro businesses of all types, excluding big business of course, excluding industrial business, but businesses like barbershops, shopping centers, a Negro savings and loan association, if you please, Negro insurance companies; practically all that Negroes have worked and slaved for in their segregated condition for more time than I care to remember, is in effect being devastated by this highway.

The District Court rejected the defendants’ case, “but in turning us down said that it doubted very gravely the wisdom of the selection of this particular route and admitted the tremendous damage that was being done to the only Negro business and educational community in Nashville.” The U.S. Court of Appeals of the Sixth District also turned the plaintiffs down, but “admitted the same thing.” He had appealed the case to the U.S. Supreme Court in October 1967, but did not yet have a ruling.

He was not clear on the role of the committee in these matters:

I would say to you that, from the standpoint of a lawyer representing Negroes in a southern community, that there are a concatenation of forces which are working to completely resegregate the Negro in our community. Unfortunately, these forces are aided by Federal legislation in its implementation. Unfortunately, the people who operate the Urban Renewal agencies, the housing authorities, the State highway departments in the State of Tennessee have no interest whatsoever in the legitimate aspirations of the Negro to be a part of the mainstream of American life.

Applause broke out at that, forcing Chairman Kluczynski to warn that, "There will be no demonstrations."

Williams continued by assuring the chairman that if he went to Tennessee, he would not "find a single Negro in any policymaking position or any position where he could do anything about – that is anything seriously about – anything important that happens in the planning of anything that has to do with municipal life and the development of human relations and human beings and the commercial, education or political society in the State."

The Federal Government had made no effort to judge the economic or social impacts of the routing of I-40, or any effort to determine if the State had attempted to judge it. The Federal Government "has let us down in this particular area of public works; that it has not, ladies and gentlemen, if you please, made a reasonable effort to see that what is happening down there is done fairly and that it conforms to the spirit of the United States of America."

When Representative Cramer pointed out the need for Interstate highways, Williams guessed that the people supporting Interstate highways in his area were all business people who have an interest in it. "I do not think you will find probably a majority of the people who feel that way," in view of racial discrimination:

And this is something with which the entire Nation is going to have to come to grips, is present in Nashville, I am sure it is present here in Washington, and that is the activities of the real estate interests in building massive white residential subdivisions in the suburban areas of communities which they sell only to white people and which are built primarily for the benefit of the white, burgeoning white labor and middle classes, to the exclusion of Negroes. And, yet, they want the interstate because they have to have some high-speed method of transportation into town.

I say to you that, you asked me what can the Federal Government do and I think one thing that Congress could write into the legislation would be a requirement that before an interstate highway is routed through any area that there be some kind of a realistic survey or analysis made of that area by people competent to do so, by engineers, architects, city or social planners, civil rights people, if you please, human relations people, people who are interested in the development of this country from the standpoint of our loving one another and getting along as human beings, rather than purely from the commercial

chamber of commerce standpoint which stands forth with great starkness in Nashville that a highway should be routed so as to benefit the commercial community.

Secondly, and in the course of this, you see, this would imply, if you had this kind of a team, you might never get a highway through the heart of town.

Representative Cramer asked if these issues were raised at the public hearing for I-40 in Nashville. Williams denied that a public hearing took place in accordance with the law. The hearing was held on May 15, 1957, at 9 or 10 a.m. in the courthouse, with notices posted in the main post office and five branch post offices, "not one of which was in a Negro community." The nearest was "in a white slum community adjacent to the Negro community, posted in the post office along with the FBI posters." The transcript identified only public officials who spoke because, according to one of those officials, "the questions came from the back, and [the recording equipment] just was not adequate to pick that up." Only about 10 people attended the hearing and the mayor at the time, who presided, could not recall that any were Negro. "That hearing is no more the kind of hearing contemplated by Congress than anything."

Representative Cramer pointed out the 3C planning requirement that went into effect in 1965. Congress had not been "oblivious" to the need for comprehensive planning. Williams said he had a memorandum from Administrator Bridwell denying that I-40 in Nashville was covered by that requirement.

In closing, Williams agreed that "your ideals are fine," but when the money gets to the States, it might be used "a little differently than Congress intended." [pages 31-45]

(The Supreme Court declined to hear the appeal that Williams had mentioned. As is usual with such decisions, the Supreme Court did not explain why it did not take up the appeal, but the result was that the U.S. Court of Appeals' decision went into effect.)

The Washington Post characterized the first day of hearings as "more than six hours of unanimous and sometimes emotional testimony . . . against a bill to force completion of the District's proposed freeway system." ["Freeway Foes Assail House Bill," *The Washington Post and Times Herald*, April 3, 1968]

On April 3, the lead witness was Nicholas Satterlee, chairman, Committee on Legislation, American Institute of Architects:

We oppose this legislation because, if enacted, it would force upon the District an ill-conceived and misrepresented highway plan based on motives and assumptions not consistent with the principles of the Federal Interstate System.

In addition, we oppose this legislation because it seeks to ignore a basic democratic principle; namely, that the people have a right through public hearings and discussion, to play a part in the highway planning process.

He emphasized that the organization was not opposed to highways. It favored a balanced transportation system in which "highways are an essential element." However, major change

was needed nationally in how these transportation corridors were selected. He recommended a three-part planning team consisting of “a decision team, city and Federal agency representatives, and a design team, architects, engineers, economist, sociologists, et cetera.” Such teams had worked in Cincinnati on its downtown plan and were at work in other cities, including Baltimore, Chicago, New York, and Seattle. As for Washington:

The present stalemate would seem to be a golden opportunity for the city to develop promptly a responsive team process of its own that will assure us of a truly comprehensive urban transportation.

The end result could well be what was hoped for in streamlining the District’s government: A coherent response to the total urban environment of the Nation’s capital.

The investment of the short time needed will buy back the public confidence, the lack of which is the true reason for 20 years of acrid debate. [pages 113-119]

Through the course of the day, many witnesses opposed H.R. 16000, including Arlingtonians for the Preservation of the Potomac Palisades, Izaak Walton League of America, National Audubon Society, Wilderness Society, and Greater Washington Citizens for Clean Air Society,

During the testimony of James Deane, special consultant on roads for the National Audubon Society, Representative Richard D. McCarthy (D-NY) engaged in a testy exchange with Chairman Kluczynski. A native of Buffalo, Representative McCarthy had been a reporter for the *Buffalo Evening News* and a public relations official for the National Gypsum Company before winning election to the House in 1964. The exchange occurred after Deane described some of the destructive impacts of the city’s freeway network, built and unbuilt:

The National Audubon Society submits that Congress should not advance a destructive trend, but should instead reexamine the premises of the proposal before you. The society believes that the public interest would be better served in Washington and in America’s other growing metropolises [sic] by putting less reliance on a proliferation of giant freeways and more on creating efficient metropolitan mass transportation.

The National Audubon Society respectfully urges that this proposed legislation be abandoned.

Representative McCarthy agreed with Deane that H.R. 16000 had national implications because it “ignites an issue that has been smoldering for a long time”:

I share your viewpoint on it; and if this bill is steam-rolled through, it is going to have far-reaching implications I certainly respect the chairman and understand his reasoning for introducing the bill; but I would think it has a very good chance of passage [unless] we can have support from more organizations like yours.

Chairman Kluczynski pointed out that since Representative McCarthy had served on the Public Works Committee for a number of years, “I’m sure he knows I have never steam-rolled a bill,” adding:

That is not my intention nor is it the purpose of these hearings. We want to hear everybody, whether he is for or against this legislation. After these hearings, we will sit in the subcommittee in executive session, and we will go over all the testimony that has been presented by witnesses. [page 138]

The first witness in support of the bill was Jay Pilzer, counsel, Yellow Cab Company of D.C., Inc.:

The need for the development of a good freeway system and thoroughfare system that will carry the interstate travel off of the city streets is absolutely critical. We cannot provide adequate service to the use of service transportation without unloading these streets of the traffic that is coming in from interstate and across through the district. [sic]

Some of the objections to the plan were “unrealistic.” The streets were “clogged with inappropriate traffic of usual and attempted high-speed nature – it is not very high-speed when you get on the streets; but it is not consistent with the development of residential streets.” He favored connections and loops, but especially the Three Sisters Bridge, which would “unload a great deal of traffic which apparently is being congested into the approaches to the existing crossings.” [pages 142-150]

Sanford Slavin, president of Princemont Construction Corporation of Rockville, also supported the bill. The freeway plan had been subject to “too much confusion and delay in getting the necessary segments of the Interstate System under construction.” As a result, he had been forced to lay off employees, many of them from minority groups. “The men need the jobs; we need the contracts; the District of Columbia needs the roads . . .” Members of Congress could make that happen. [pages 152-154]

Another contractor, Arthur Cox, president of Corson and Gruman Company, also cited the need for jobs to keep his workers employed, but said:

It seems to me that it would be hard to devise any program which could be more beneficial to the problems of this city than this vast public works program of this Nation. The interstate freeway system would not only be of benefit to the transportation system in the city of Washington, but it would generate \$100 million worth of employment for people who need the work now. [pages 154-155]

The day ended with testimony from The Reverend Gipson, treasurer of Upper Northeast Group Ministry, an alliance of 22 ministers in northeast Washington. He also was a member of ECTC. He began by saying of the ministries:

With no exception these organizations are opposed to the freeways and highways when they are incidental or accidental tools of evil perpetrated against our communities. We stand opposed to freeways when they destroy communities, dislocate our economy, and uproot citizens whom they essentially do not benefit.

His group was not “brandishing swords, knives or guns” to force congressional action. “We asked the courts to hear us and they responded favorably. We ask you to do the same.” If Congress would not do so, what other course of action was open to the community? He asked:

What good does talk about freedom of circumstance or equality of opportunity mean while we continue to institutionalize barriers and disregard the general welfare of the city dweller. What good is talk of reducing tensions and building a stable inner city, when we continue to bulldoze and destroy our communities. What good is talk of participatory democracy while we leave so many without a voice in highway places

He introduced a statement by the group that began:

No local public issue evokes a more anguished or unanimous cry of protest from the black people of Washington than the freeway issue. A massive Interstate Highway System, planned, promoted, and designed primarily to serve white residents of the suburbs, threatens to take away their homes, blight their neighborhoods and isolate them in the inner city. The freeway system will destroy the residences of more than 1900 families, mostly Negro and mostly low and middle income, displace more than 120 businesses employing more than 4,000 persons, and consume more than 120 acres of park land.

It would remove \$400,000 a year in real estate taxes from the District treasury and cost, overall, \$50,778,000 more in “money that might be better spent for better employment opportunities, education, welfare services and housing.” Approval of the 97-mile Metro rail system, and an experiment with express bus service from Virginia “offer assurance that it is no longer necessary for the people of the District to provide most commuters from the suburbs with the means to drive their cars to work.”

Now was “a moment of truth.” The statement said that, “White men’s highways through black men’s homes have a permanent symbolic significance, and there is increasing evidence of a direct relationship between racial discrimination in transportation planning and the bloodshed that took place in Watts, New Haven, and Newark.” The U.S. Court of Appeals ruling “offers [a] unique opportunity for re-evaluation of the whole freeway program in the light of desires and needs of the people of Washington today.”

The Reverend Gipson concluded:

Mr. Chairman, we seek to restore respect for law and order, particularly of the hostile group who feel the lawmakers disregard their interests and desires. We are seeking to call our youth to cooperate with police and civil agencies whom they feel repress them at every point. We are seeking to build a better society. We need your help. We pray God will give it by rejecting this proposed legislation.

Representative Cramer was the sole questioner. Was the Reverend Gipson recommending that all highway construction be halted in view of the court decision? Yes, and he also thought that the old Taylor Street bridge should be restored. Should noncontroversial city street projects also

be halted? They would not oppose upgrading existing structures, but “in terms of new highways bringing additional traffic, we are opposed to it.”

The Congressman pointed out that the court ruling would stop all types of construction, even some improvements of present facilities. The court, the Reverend Gipson replied, had done “a good thing” by stopping construction. The District could have talked to the defendants in “terms by which they could continue this,” but “they sought to do nothing.”

As far as Representative Cramer was concerned, the bill was a “good-faith effort to try to find a solution to some of these problems.” The court finding affected all highways in the city, and Congress had the power to do something about it. “I tend to think that those who filed the suit may not have realized that that would be the total effect.” The Reverend Gipson pointed out that the suit named specific highways, not all highways, and those were the ones the plaintiffs were most concerned about.

Referring to the statement about using the funds for other purposes, Representative Cramer said this was another example of how the ministers did not have “a full understanding . . . of the limitations relating to highway construction.” The Reverend Gipson replied that he believed Congress could make decisions to benefit the District, despite precedents for how funds have been used. “We feel that we cannot adequately administer in these areas where we have not the funds and where the funds are available they are used for other things.” The Congressman pointed out that if the funds were not used for highways, the District would lose them. “It would go to somebody else.”

He then referred to the statement that mentioned white men’s highways through black men’s homes. It was “interesting to me” that no organized objection was raised “when these white men’s highways were going through white men’s communities.” About 90 percent of all the homes and businesses displaced by the Interstate freeways had been in white communities. “And what would be your response to that?” The Reverend Gipson replied:

My response to that, Mr. Congressman, is that the replacement value gained by white residents for their homes was of such a nature they did not see fit to raise any objections.

This has not been true in terms of blacks selling their property and trying to rebuy – let’s get the next issue, too – that the oppressive housing codes of the surrounding areas have forced compacting of Negroes into these areas and has reduced the real estate possibilities for them; and at the same time where the surrounding counties, such as Montgomery, have such a high real estate value, those same people cannot afford to move from their present locations to the other places.

Representative Cramer acknowledged that this was one of the “very serious problems,” and it affected many cities, not just the District of Columbia:

We have no prospects of solution, and that one of the considerations I think we should seriously talk about is: What is the disparity relating to relocation and condemnation problems?

Is there a disparity? If so, we should give some consideration to it; so certainly this committee is not oblivious to the point you make.

He added, however, that the issue “is not a racial question at all, it is a question of the value of the property today, the present law and power of condemnation, and what can be paid under the law.”

The Reverend Gipson asked if Representative Cramer would help make solutions possible “before we make more problems by continuing highways?” The Congressman replied, “This is what the hearings are all about, as far as I am concerned, Reverend.” [pages 156-161]

The *Post* summarized the second day by saying the committee heard from “12 witnesses . . . nine of them opposed to the bill.” The account noted the exchange between Representatives Kluczynski and McCarthy, but added:

Another subcommittee source said yesterday that the antifreeway witnesses who have dominated hearings so far are having an effect, and that some major changes may be made in the Federal highway law this year. “They’re making some good points.”

Moreover, members recognized that the issues being raised were also being raised in other cities around the country. “Several subcommittee members have indicated that they look upon the District as a kind of test case.” [Milius, Peter, “Move to Unsnag Freeways Seen,” *The Washington Post and Times Herald*, April 4, 1968]

On April 4, the final day of the hearings, the first witness was Lieutenant General Elwood R. Quesada (U.S. Air Force, Retired). Having served as Federal Aviation Administrator (1958-1961), General Quesada testified about how he had helped select the site for Dulles International Airport. Access was an important factor, with “a requirement of being within 30 minutes of downtown Washington.” He helped design an access road, linked to I-66:

The point I am attempting to make . . . is that at that time we anticipated and planned for U.S. Highway 66 [sic] proceeding to the Potomac River at a point unknown to us, however, upstream of what is known as Key Bridge.

He doubted the airport would have been built where it is if not for knowledge of that planned bridge. The bridge the planners had in mind would eventually become the Three Sisters Bridge. He added that, “one very strong consideration that was in our minds then was that we did not want to use the U.S. Park Service highway on the south bank of the Potomac River which is called the George Washington Memorial Parkway.” [pages 163-166]

Representative Scott, who had cosponsored H.R. 16000, told the subcommittee that, “those persons residing within the District who oppose highways are doing a disservice to their city.” For the “inner city” to survive, officials must find a way for suburban motorists to get in and out of the city to the suburbs. The alternative was that more people and businesses would move out of the city.

He supported completion of I-66 and I-266:

The completion of this interstate highway will also provide better access to Dulles International Airport.

I appreciate a beautiful Potomac and the esthetic values of our capital, but no one can get much satisfaction out of the beautiful Potomac when they can only see it from an automobile that is stalled in a line of traffic because there is not adequate access into the city.

The District should be allowed to proceed with its freeway plans while development of the rail rapid transit system continues as quickly as possible “so that there will not be the need for additional highways after the planned metro system is completed in 1980.” He added, “My constituents certainly do not want to wait until 1980 before they can travel in and out of Washington with reasonable comfort.” [pages 168-169]

Representative Cleveland told Representative Scott that these hearings were not about a special case involving only the District of Columbia. Many cities were having similar problems, as demonstrated by recent hearings by the Senate Committee on Public Works on moving people in urban areas. Representative Cleveland had testified during the Senate hearing with John Morton, New Hampshire’s highway commissioner:

I notice in Mr. Morton’s testimony he reminded the Senate committee that at the time the Jefferson Memorial was being built, some of the good ladies of Washington, D.C., were sort of boycotting it and filling in the excavation as fast as the engineers were taking it out because they thought the building of the Jefferson Memorial would desecrate the Potomac and ruin that part of the city.

Time has proven the people who had thought it was going to ruin the city were wrong. [page 170]

Charles Coon of the Metropolitan Washington Board of Trade testified in support of a balanced transportation system, and that thinking the rail rapid transit system would meet the metropolitan area’s needs was “self-defeating.” He said, “freeways and rapid transit together are required to achieve an adequate level of mass transportation for Washington.” Subways moved people, but not goods. “If we should fail to build freeways we will be saying that the needs of the District will be well served without any new high capacity highway connections between the center city and the surrounding areas.” If that happens, the District “would become isolated from the rest of the National Capital area as suburban areas expand and establish their own economic independence.”

He urged the subcommittee to ensure construction of the routes identified in H.R. 16000:

This road system from the core of the city to the Capital Beltway would attract appropriate business development in the city. By connecting it with the suburbs it will maintain the District as a center of economic life in our area.

Otherwise, commerce would concentrate along the Capital Beltway and congestion “would become truly intolerable, making our Nation’s Capital less attractive as a city to visit and a community in which to live and work.”

Given the District’s lack of success in getting freeways under construction, the board recommended that Congress “direct that the freeway system be built.” [page 173-175]

Miles L. Colean, chairman, Transportation Committee of the Federal City Council, testified in support of the bill, calling it “not only timely, but urgent.” The bill addressed the problem of compliance with the 1893 highway act by ensuring the District had to comply with Title 23, United States Code, which it been doing prior to the U.S. Court of Appeals decision.

He also addressed the problem of displaced residents. They should be paid a fair price for their homes, but he added that it “would be true economy – as well as justice – if those displaced were given compensation sufficient for them to acquire a comparable home to the one they must vacate in the same or a similar neighborhood.” The government should assist them in finding such homes.

He concluded:

It seems a pity that somewhere along the long road we have traveled thus far, debating the freeway proposals and doing nothing about them, that this urgent situation could not have been resolved. It is a shame that the time and energy of the Congress of the United States must be used in resolving such a local problem. But it is apparent something must be done and soon – before a crisis of such proportion arises that panic sets in and a hasty and inappropriate system of roads is quickly laid down without thought to proper planning.

It is in the power of Congress to avert such a crisis by approving the bill introduced by Congressman Kluczynski. The Federal City Council is hopeful that this will be done. [pages 176-197]

Harold E. Wirth, Rubber and Tire Manufacturers, told the subcommittee he had been present “since the first opening of your very wonderful hearings,” and wanted to comment on a few points raised. He began naming some of the cities that “do have a very fine working transportation program with freeways,” including Atlanta, Chicago, Cleveland, Dallas and Houston, New Orleans, Pittsburgh, Salt Lake City, and San Antonio.

He disputed the idea that rail rapid transit alone would solve the area’s transportation problems. Those making such a statement were assuming that the entire problem was “a people-traffic problem.” On the contrary, the rail rapid transit system “was designed to carry never more than 25 percent of the total people traffic [sic] in the 1980-1990 period.” That cannot possibly solve the problem.

Some anti-freeway speakers have stated that the District had not held public hearings. He had personally appeared before 12 public hearings, and that was only some of those held.

He disputed the idea that freeways caused urban riots such as the riot in Watts:

The difficulties there broke out without either a mass transit system or a freeway system and now the good people of Los Angeles, in order to help the Watts situation and allow these people to get out of that ghetto area and into an area where they can obtain employment, is now building a freeway into the Watts area. They are also going to build bus rapid transit lines into the Watts area.

He addressed those who stated that “the 1893 law was essential and should not be repealed”:

[The] 1893 law was put on the books of this Government by the Congress in its wisdom at a time when not one automobile was driving on the streets of the Nation’s Capital, when the Nation’s Capital extended only to Florida Avenue on the northwest, and in its wisdom, Congress was trying to allow the people of the District of Columbia to extend its area from Florida Avenue on out to the line where Maryland ceded this land to the Federal Government for the use of all of the people in the United States.

He agreed that displacing families was “a real difficulty.” However, of the 1,753 families that would be displaced by the entire freeway system, almost one-third of the homes had been acquired. “So, we only need about two-thirds more to complete the entire freeway program.” Considering the millions of trips that would take place on the freeway system, “it is in the spirit of democracy, of our democracy, to discommode 1,753 people to accommodate 400 million.” He added:

Those people who are losing their homes have a case. I personally believe that if we have to take Jim Smith’s house for a freeway then we must provide Jim Smith with a new home – even using highway funds to do it

After the years of debate, the District of Columbia was in 48th place among all States in completing its Interstate System, “with only 36 percent of its meager and minimal 29.8 miles of programmed freeway open.” (Utah was 49th and Hawaii was 50th.) “This is a disgraceful position.”

The Nation’s Capital belonged to all 200 million Americans, not just those who live in the city. “This is a sacred trust you hold in your hands.” Wirth said the recent court ruling was “the greatest hindrance to public transportation in Washington’s history and what happens in Washington is an example to other cities around the Nation”:

The very people who are fighting freeways are the ones who will benefit most from them,

Construction would provide 8,000 to 10,000 jobs, many of them available “for so-called hard-core unemployed. Here appears to be the sought after opportunity to solve both the transportation and unemployment problems simultaneously.”

In closing, he cited the 20 years of planning at a cost of \$20 million. “Let us get on with the work. We are pleading with you committee members to give priority and preference to H.R 16000 for the future of the metropolitan community, our Capital of the United States.” [pages 190-195]

The hearing concluded with short statements by many witnesses, some in favor of the bill, some opposed, with very little questioning from subcommittee members. However, the appearance of James F. Bromley, chairman of the North Bethesda Congress of Citizens Associations, gave Representative McCarthy an opportunity to discuss his views.

The association was a group of 12 citizens associations in Montgomery County that Bromley said favored a balanced transportation system that included rapid transit and the freeway network advanced by H.R. 16000:

Automobiles and buses are undeniably here to stay as the most convenient method of transporting people directly from their homes to their jobs and back again. Rapid transit, for all its virtues, cannot provide this same essential degree of convenience and therefore must necessarily supplement, not supplant, automobiles and highways.

Otherwise, the District would experience an “ever-worsening arteriosclerotic effect, the presently overcrowded condition of the existing roads and highways in both the suburbs and the city will continue equally to strangle both the suburbanites’ efforts to drive to their jobs downtown and the efforts of city residents to drive to suburban areas to jobs for which there is substantially an increasing demand.” The Capital Beltway would continue to attract businesses that otherwise would stay in the District. For suburbanites and District residents, “the freeways will help everyone and they must be built.”

For the freeways to be built, some city homeowners must be displaced by freeway construction. To ensure they “share in the freeway benefits,” Bromley suggested they be compensated based on the replacement value of their homes rather than their fair market value under eminent domain. He cited the “pace-setting example” of a recently enacted Maryland law “authorizing replacement cost payments to Maryland homeowners displaced by freeway projects of up to \$5,000 above the fair market value of their homes.” On behalf of the association, he urged prompt passage of H.R. 16000 “so that these desperately needed freeways will at last become a reality.”

Representative McCarthy pointed out that while attending the sessions of Congress, he lived in Bethesda “and I know there are many people out there who do not subscribe to what you say.” Bromley’s testimony suggested that he believed “these are simply roads to the District for suburbanites.”

Bromley suggested the freeway network was mutually beneficial, but Representative McCarthy referred to the “virtually unanimous opposition from organizations representing over 200,000 residents of the District.” He explained:

My own experience in Buffalo would seem to suggest that many of these people who need job opportunities out in the suburbs – and I will grant certainly that there is certainly a lot of new industry located in the suburbs – most of them don’t have private vehicular transportation, but that they would utilize some form of public transportation in order to get out to these job opportunities.

Bromley said he supported rapid transit “but we do not believe that it would serve the entire need.” The automobile was “the most convenient method of transportation” and allowed access to jobs throughout an area.”

Representative McCarthy replied:

My own experience goes just counter to that. As a matter of fact, in Buffalo we have this problem. There are job opportunities in the suburbs, but the people who would like to capitalize on those opportunities do not have any method of getting there, although we do have an expressway system in the Buffalo area. And what they are doing now is – a test case, I understand the first in the country – where working with the public bus company, they are trying to provide new routes that would take the people out of the ghetto into the suburban areas.

When Bromley began to reply by saying, “Well, bus transportation,” Representative McCarthy interrupted to say, “It is bus transportation that they are going to rely on, not the private automobile.” Bromley emphasized, “I might say that these roads would be as available to bus transportation as automobiles, too. I certainly would favor that as well.” [pages 251-252; the section of witnesses not detailed here: pages 296-274]

Representative Gude was the final witness. He assured the subcommittee that while the hearing was about freeways in the District of Columbia, the issue affected the entire metropolitan area. The hearings had highlighted needs that the committee needed to address “from the point of view of the specific area and its related social and economic effects.” He was referring to the problem of relocating families, businesses, and public institutions. He was proud of his home State because, as Bromley had stated, Maryland had established “a formula to insure an increased remuneration over the fair market value for those homes displaced in critically needed areas.” This law may not be the full solution, but it was a step in the right direction.

Air rights legislation for the District was needed. It would “provide greater area for relocation of housing in both public and private buildings over and around the highway facilities.”

Representative Gude strongly supported rail rapid transit, especially for Montgomery County. However, to those who thought it would solve the problem without freeway construction, he referred to the statement by “the general manager of the transit authority [who] has stated the need for the full implementation of the freeway system.” In view of the many critics who put so much faith in rail rapid transit, Representative Gude encouraged the subcommittee to ask General Graham to comment. [pages 274-176]

Chairman Kluczynski closed the hearing with a few observations. He had introduced H.R. 16000 “to provide as broad a vehicle as possible for comment by the people who are concerned.” The committee’s action on this matter “may be quite different” from what was in H.R. 16000. He stressed that “the committee has not made up its mind about any specific part of this highway system.”

The hearing had achieved at least part of his objective in that “we have heard considerable testimony concerning the need for changes in the approach to relocation of freeways, a subject that has been of serious and growing concern to me for many months.” In addition, the hearings had performed “a very worthwhile service in making it clear that responsible officials at all levels must be prepared to act on these matters, that inaction cannot continue.”

Finally, he thanked all the witnesses and those who submitted statements for the record. “The committee will consider carefully all of the testimony presented and we appreciate the interest and patience the witnesses have demonstrated.” [page 276]

The final day of hearings lasted 6 hours, with proponents of H.R. 16000 dominating the proceedings. The *Post* reported:

Freeway opponents, outnumbered for the first time in the three-day affair, repeated earlier arguments about the impact of the roads on inner-city neighborhoods, particularly Brookland, which is in the path of the proposed North Central Freeway

The *Star* reported that the subcommittee’s members appeared to be convinced of two things:

- (1) A freeway system must be built here, despite considerable citizen opposition, to prevent the city from becoming an island of decaying business and joblessness.
- (2) The victims of this progress - the displaced residents in the paths of these freeways – must have more consideration and greater financial help.

While the hearings were underway, District officials developed a compromise bill that they hoped would bring about a truce in the freeway wars. The *Post* said the bill “lies between the Kluczynski bill and the U.S. Court of Appeals order” and would:

- Authorize completion of the three noncontroversial segments, the center leg, the 9th Street Expressway and interchange C, which would extend the Southeast Expressway east to Barney Circle.
- Establish new procedures for the remaining segments of the federally aided highway network.

Under these new procedures, plans for each new segment would go to the City Council for approval. The Council would have to hold public hearings, then could make whatever changes it wished.

The plans would then go to the Mayor. He could either send them on to the Department of Transportation for approval and the necessary Federal funds, or could veto them. The Council could override a veto by a three-fourths vote, just as it now can override the Mayor on city budget items.

As in the past, the plans would be subject to review but not approval, by the National Capital Planning Commission.

The city proposal would authorize somewhat higher payments than before to owner-occupants of homes in the paths of freeways.

District officials hoped the proposal would “buy time to work out new routes and designs for controversial segments that might win wider acceptance than the present ones.” They had sent the proposal to the Bureau of the Budget for clearance.

A spokesman for the committee said the bill would be welcomed:

The subcommittee is no longer wedded to its original bill. The bill has been a vehicle for hearings but as a result of the testimony today and in the last two days you may find the final bill to be considerably different.

The *Star* explained how the city’s compromise bill came about:

Agreement on the sweeping measure was finally reached Tuesday [April 2] in a meeting between Mayor Washington and the city council, after a series of meetings set up by Council Chairman John Hechinger.

After Hechinger met with representatives of the Committee of 100 on the Federal City, one of the plaintiffs in the successful court suit, lawyers representing the city council, the administration worked the proposal into final shape.

As drafted, the bill would not affect the four projects covered by the U.S. Court of Appeals decision, but would allow projects already under construction to continue (the Center Leg Freeway in front of the Capitol, the 9th Street Freeway, and interchange “C”). Although Kennan of the Committee of 100 refused to comment on the issue for the committee, “one source said that the committee probably would not balk if several projects, already nearly completed, were finished.” Kennan would say only that final agreement had not been reached. [Delaney, Paul, and Flor, Lee, “District Proposes Plan To Finish Road Projects,” *The Evening Star*, April 4, 1968; Milius, Peter, “City Drafts Bill Seeking Truce on Freeways,” *The Washington Post and Times Herald*, April 5, 1968; Grigg, William, “Hearings Point Up Need for Roads, Aid to Displaced,” *The Evening Star*, April 5, 1968]

Martin Luther King, Jr.

On April 4, a little after 6 p.m., James Earl Ray assassinated Dr. Martin Luther King, Jr., in Memphis, Tennessee. In Washington as elsewhere, news of the assassination set off unrest and riots. The evening of April 4, crowds in the District of Columbia gathered as police tried to control the tense situation. The *Post* reported:

Tense, milling crowds of Negroes . . . swarmed along 14th Street’s inner-city strip last night and early today, wrecking and looting stores and heckling policemen.

Hundreds of people in clusters, at first embittered, moved haphazardly through the area and baited police into the use of tear gas at one major fire. It started as a parade that Stokely Carmichael and others began and later could not control

Serious fires broke out in at least six areas, the worst a blaze shortly after 2 a.m. in the 2600 block of 14th Street that burned out the interior of the Empire Supermarket at 2601 14th and an adjacent building before firemen arrived.

As problems erupted and officials tried to quell the damage and destruction, a different type of protest was attempted elsewhere:

Last night, after the hearing, Sammie Abbott, a vocal critic of freeway plans, gathered with ten companions in front of the home of Mayor Walter E. Washington at 408 T st. nw. The gathering was planned as a protest against the freeways; it evolved, instead, into a memorial service for the Rev. Dr. Martin Luther King. [Milius, Peter, "City Drafts bill Seeking Truce on Freeways," *The Washington Post and Times Herald*, April 5, 1968; "14th Street Sealed Off; Fires Set," *The Washington Post and Times Herald*, April 5, 1968]

Gutheim and Lee summarized the impact of the riots in the District of Columbia:

In Washington portions of the city were burned and looted, thirteen people died, and property damage was widespread. The crisis lasted five days, from April 4 through April 8. Nearly 13,600 federal troops and national guards were called up to protect the city. Destruction was concentrated in three major sections. On 7th Street between Mount Vernon Place and Florida Avenue, 263 buildings were damaged. Near 14th Street and Park Road, 275 businesses were damaged. On H Street in Northeast Washington, between 2nd and 15th streets, 90 buildings were damaged. The resulting loss of homes and jobs was matched by the destruction of property, the larger disruption of community services, and the damage to the city's morale. As in the earlier civil disturbances in Watts in Los Angeles, it was immediately clear in Washington that the task of reconstruction would not be easy and that reconstruction plans would not find any ready consensus

Total property damage was calculated at \$57.6 million, which included the value of looted and burned inventories of goods as well as real property damage. Nearly half of the damage was in the 7th Street corridor, the historic route that long ago had connected the Potomac port to the Baltimore turnpike.

NCPC and the city council studied the riots to find the causes, beyond the assassination, and how to address the economic, physical, and social impacts. Based on public hearings, the city council found that "the lack of housing, employment and other opportunities for ghetto residents were . . . the basic factors contributing to the disturbances." Gutheim and Lee wrote that as the city tried to reconstruct the damaged areas, "there was a pervasive if less clearly expressed view that the opportunity for fundamental changes in land use, transportation, recreation open space, and other physical characteristics of the damaged areas should not be thrown away." [Gutheim and Lee, pages 313-315]

Seeking Elusive Compromise

As life in the city returned to normal, ECTC confronted Chairman Hechinger on the fifth floor of the District Building on April 13. They demanded that Mayor Washington and the city council attend a meeting on Tuesday, April 16, to discuss the freeway situation. They objected to congressional efforts to pass legislation to force construction of the four freeways blocked by the court decision. The Reverend Gibson of Nash Methodist Church said the city officials were “acting like the court order doesn’t exist.” The time had come, he said, for District officials to “stop pussyfooting about freeways” and shift the funds to other forms of transportation.

Officials agreed to a meeting on Thursday, April 18, in the city council’s chamber. Asked by reporters if ECTC was concerned that the chamber might be in use for some other purpose, Reverend Gibson replied, “the availability of the room makes no difference. We’ll be here and demand they be here.”

Because the chamber was previously booked, ECTC agreed to a meeting on Saturday, April 20. ECTC said Mayor Washington and the city council were expected to attend. “There will be no time limit on speakers, he said.” [“Freeway Foes Demand Hearing by Councilmen,” *The Sunday Star*, April 14, 1968; “Freeways Session Set For Saturday,” *The Evening Star*, April 17, 1968]

Secretary Boyd, in a speech on April 18 to the 12th Highway Transportation Congress in Washington, lamented the difficulties of advancing urban Interstate segments around the country:

About one-half of the scheduled 6,000 metropolitan miles of that system remains unbuilt. And in city after city, progress toward building the remaining miles has either slowed to a rush-hour crawl or come to a complete stop.

He listed some of the cities that were “still bearing the bruises from bitter freeway fights: Atlanta, Boston, Chicago, Cleveland, the District of Columbia, Indianapolis, Milwaukee, New Orleans, New York City, Philadelphia, San Antonio, San Francisco, Seattle, and St. Paul:

It’s getting to the point where it’s almost as hard to get an urban freeway through as it is a rapid-transit bond issue.

It is no longer simply a question of a few stubborn individuals lying down in front of bulldozers or tying themselves to trees. The people holding up the completion of our urban freeway program represent a very substantial cross-section of the urban leadership community – including mayors and city managers.

Route selection was at the heart of the problem:

If we don’t include the total needs and desires of our cities in planning urban highways – and not just the needs of the highway user in the narrow sense of the word – then let there be no mistake: Our cities are going to find it increasingly difficult to get the highways through.

The highway program and the industry that supports it would “flourish to the extent to which they meet the total needs of our society—not as narrowly conceived by any special interest, but as broadly conceived by the citizenry.” The three keys were:

First, each urban area itself must decide what kind of transportation system best serves and suits its particular needs.

Second, any assessment of the role of any segment of our urban systems must be made in the context of the system as a whole.

Third, and most important, we cannot make decisions on urban transportation systems without giving first and full consideration to the impact those systems will have on the total human environment in which they must operate.

In short, “cities are for people, and so are transportation systems.”

He cited Baltimore, with its design concept team, as an example of how some of the deadlocks could be broken. The outcome was unknown at that point, and the team “was set up rather late in the game, after the routes, for example, were already established,” and was not able to consider alternatives such as mass transit. Still, he was encouraged by the results thus far in finding ways “for improving and enhancing the life of an entire neighborhood.”

Even with the results not fully known, “I am convinced that it is only from efforts such as this, in cities across the country, that we can arrive at acceptable solutions to our urban transportation problems.” The results, he acknowledged, would cost more money, possibly adding as much as 1.5 percent to the total cost of the Baltimore segment being studied:

But let me also point out that, in the long run, the roadblocks that major American cities seem increasingly determined to place in the path of freeways they do not want will be far more costly

So it would seem that a brief delay for planning review would cost less than a long delay for quarreling over route and design – in or out of court.

On April 23, Secretary Boyd held a news conference to announce that he would soon submit the Johnson Administration’s proposal for the Federal-Aid Highway Act of 1968, the regular 2-year reauthorization of the Federal-aid highway program. One major departure in the proposal involved a new formula for right-of-way acquisition. He understood that Congress would like to “change the ground rules under which homeowners, farmers, businessmen, and others are compensated for property that is purchased for highways.” He added that, “Fair market value does not always cover the cost of changing houses, setting up a new business in another location, or starting a new farm.”

In addition, Secretary Boyd said the bill would propose to increase Interstate construction funds by \$8 billion and extend the deadline for completing the Interstate System to 1974. TOPICS would be funded at \$250 million a year, while the Federal Government would pay 75 percent of the cost of fringe parking facilities associated with mass transit systems serving cities with

populations greater than 50,000. [“Boyd Asks ’74 Deadline On Highways,” *The Washington Post and Times Herald*, April 23, 1968; Flor, Lee, Flor, Lee, “‘Bonus’ for Those Displaced by Highways Urged by Boyd,” *The Evening Star*, April 24, 1968]

Star editors appreciated the proposed changes, but lamented:

Rather than benefitting the District of Columbia as they will other cities and other metropolitan areas, however, these developments merely heighten frustrations in the Nation’s Capital – where the freeway program, for reasons having nothing to do with dollars, has been brought to a complete halt.

The ultimate irony is that Secretary Boyd has been in the vanguard of those directly responsible for this deplorable state of affairs. He has joined the anti-urban freeway forces in sabotaging the Washington program while proposing nothing approaching an adequate alternative. And the new city government, for its part, has timidly done nothing whatever of significance to move the program off dead-center.

Unless Congress acted “directly and firmly” to move the freeways forward, the District’s “moderate freeway system” with its links to Maryland and Virginia would not materialize. “In that event the plans for a logical, reasonable balance of highway and rail transit facilities so long advocated and so urgently needed in this region will simply slip down the drain.” [“Freeway Frustrations,” *The Evening Star*, April 26, 1968]

A Layman’s Guide

The May 1968 issue of *Washingtonian Magazine* contained “A Layman’s Who’s Who on the Freeway Donnybrook” by Judith Hennessee. It began:

After twenty years and twenty million dollars worth of reports, studies, and plans, a large part of the District highway program is sitting behind barricades somewhere in limbo.

The Three Sisters Bridge and North-Central Freeway, the “two biggest bones of contention,” were blocked by “court injunction and the intervention of Department of Transportation Secretary Alan Boyd, and what will happen next is anyone’s guess”:

Through the years, the squiggles on the maps have moved around with such startling rapidity that it became difficult to know where the freeway would strike next. At one stage, from 1960 to 1965, the North Leg, West Section, would have cut through the Cosmos Club, the Phillips Collection, and Boy Scout Headquarters.

With each successive change, the sides have become more and more polarized, the meeting grounds fewer and fewer, and now the battle has degenerated into an acrimonious name-calling contest. The opposition is either crass, crazy, racist, or unpatriotic, depending on where it stands.

On one side was “a national Goliath” of highway interests, including “their captive Congressmen, as well as those who believe in freeways as a way of life.” Against them are

neighborhood groups, small businesses, the Committee of 100 on the Federal City, ECTC, and the Democratic Central Committee:

They see a voracious dragon, carving through the city, gobbling up people, neighborhoods, parks, land, leaving in its wake the homeless and dispossessed, pollution, miles of concrete twisted like spaghetti, a city of monuments, devoid of life.

Whatever the specifics of the debate, the arguments came down “to a basic philosophical approach – what kind of a city do you want?”

The debate over the Three Sisters Bridge was typical. Director Airis said the bridge met “our four major criteria – need, cost, esthetics, displacement The project passes all four tests better than anything, but, to the opposition, it’s a symbol of the system.” Opponents disagreed on all four criteria. And while Secretary Boyd was not convinced of the need, “he has not damned all freeways.” Instead, he thought the need for the system as currently shown on the map had not been established “and the design of the whole must be approved before going ahead with parts of it; and the cost must be reckoned in terms of people, as well as dollars.”

To help readers who were having trouble keeping up with the protagonists, Hennessee offered thumbnail sketches of each party.

Democratic Central Committee

The committee, “representing about 150,000 politically impotent voters in the city,” had been testifying against freeways for years as the bulldozers kept rolling:

“No one cares,” said Helen Leavitt, chairman of the Planning and Housing Committee, “and nobody wants freeways. Not a single citizens group in the District – or in Arlington – is in favor of them. I took a survey of precinct chairmen in 1965, and over eighty percent of them were absolutely against freeways. They wanted a subway. Mrs. Leavitt plunged into the fray late in 1964 when the North Leg, West Section, of the Inner Loop (one of the abandoned plans) was mapped to bisect her house.

The central committee opposed “freeways in all directions.” Families were uprooted, businesses displaced or forced into the suburbs, “leaving behind a corps of unemployed.” The tax base was diminished. Freeways added to air pollution, were ugly, and sliced up neighborhoods “creating a Chinese Wall.” They were “immoral, unesthetic, uneconomic, and unhealthy. And, it turned out, some of them were also illegal.”

The committee “found a soul mate in Peter Craig,” who “is either the hero or the villain of the story, depending on your freeway sympathies.” He found the 1893 highway law in Title 7 of the District Code, the one that led to the court injunction “that froze four freeways in their tracks.”

D.C. Highway Department

Each side has its own set of statistics, almost as if a little factory were manufacturing them to order, which they hurl at each other like brickbats.

The District Highway Department was the “biggest statistical generator of them all,” most of them emerging “from the drawing board of Lloyd Rivard,” the planning chief. Airis cited population growth, big new office buildings, and the resulting traffic increase:

When you add together all this procreation, the sum is a terrific amount of traffic generation downtown.

“That is pretty much the people talking,” Airis said. “Not the anti-freeway advocates or property owners. That’s the public-at-large talking.”

He said the 29-mile freeway network was a “minimum system” for meeting the growing need. Without the Anacostia Freeway and Southwest Freeway, the thousands of vehicles they carry would be on city streets. Freeways constituted only 2.8 percent of the 1,100 miles of city street surface. Airis said:

Yet they are carrying fifteen and a half percent of all traffic. The city streets still carry eighty-four and a half percent. This is improper. We need to get that traffic off the streets and onto the expressways.

If all 29 miles were built, he said, the freeways would comprise only 4.5 percent of roads in the city, but would “carry a whopping thirty-five percent of all traffic. That’s the reason for freeways.”

Harold Wirth and Highway Users

Harold Wirth was the “foremost freeway enthusiast.” He was local head of the Firestone Tire and Rubber Company, chairman of the Washington Representatives of the Rubber and Tire Manufacturers, and chairman of the Metropolitan Area Highway Users Conference.

He had loved automobiles his entire life, but that was not why he was a freeway advocate:

I do this for one purpose. I’m due to retire soon. I’m not going to use the freeways, and they won’t mean anything to me, but someday the young people will thank us. I love this Nation’s Capital, and I think it deserves better consideration than some people are giving it today for its future well-being and progress. We are free Americans, and we like to control our transportation. That’s my motivation.

“The progressive people,” he added, “are for freeways.” The Highway Users Conference, consisting of highway business interests, represented anyone who owns a car. “We have an obligation to you” to ensure that each car owner’s highway user taxes get what they paid for. That revenue, Wirth believes, must be used for highway construction “and never, under any circumstances, converted to other public uses, not even traffic police or lights.”

Wirth, like everyone who favored freeways, believed in a balanced transportation system “even though he believes it will be the greatest tax boondoggle on people who can afford to pay, for people who can’t.” Everyone agrees about the need for mass transit, he pointed out. “But mass transit carries *absolutely no goods*. Trucks bring everything. When people get that through their

heads they won't fight it." Even after rail rapid transit was provided, people will still ride their automobiles "because someone comes to their front door and picks them up. *They are not going to give that up.*"

As for the urban ghettos, the Highway Users Conference "subscribes to the view that freeways built through it are the best thing that could possibly happen to the poor, bringing to them the benefits of mobility":

And yet, the very people for whom the freeway will do the most good speak the most vociferously against its construction. "It seems ridiculous that a poor colored maid has to take two and a half hours to get from Anacostia to where she works in Montgomery County because there are no freeways to get her through town, or through a loop out of the downtown section that will get traffic out that doesn't want to be there. But her bus has to go through the heart of downtown. It's asinine. It's completely stupid. We are way behind every metropolitan area in the country. We are the only city of our size without one freeway in the heart of the city.

The District needed "the same shot of adrenaline the beltway provided for the suburbs." Los Angeles was "everyone's favorite comparative, and there, said Wirth, the freeways brought an enormous building boom, and the tax base went straight up in the air":

Let's face it – which will bring in the most tax money – a squalid eight-room house with rats and garbage with two people living in a room, or a great big building in which there is an industry alongside of a freeway? But we've got to uproot one to get the other.

The people whose homes were going to be taken for a freeway had a right to protest. "But this is a democracy, and the few have always had to sacrifice for the many."

Emergency Committee on the Transportation Crisis

In contrast with Wirth, ECTC was "a loosely knit but militant cross section of civic organizations (Brookland, Lamond-Riggs, South Manor) and ministers, as adamantly opposed to freeways as the builders, planners, and businessmen are for them":

The Emergency Committee had its genesis three years ago when Sam Abbott, its publicity director, came home to dinner one night and was told by his wife that an eight-lane freeway (I-95, the North Central Freeway [sic]) was scheduled to run through their Takoma Park living room.

Philosophically, the committee looks to Lewis Mumford, Jane Jacobs, and General James Gavin. "The greatest danger we face is uncontrolled technology, the role of the so-called expert."

The quote is from General Gavin. After retiring from the U.S. Army, General James M. Gavin became vice president of Arthur D. Little, Inc., in 1958. He became president in 1960 and remained with the consultant until retiring in 1977.

Hennessee continued:

A flamboyant tendency to disrupt City Council meetings to dramatize the race issue has placed the committee somewhat beyond the pale of respectability, but that's the least of their concerns. They're fighting a war against "the scourge," and anything goes.

Abbott accused the highway department of "institutional racism." The department responds with formulas, origin-and-destination studies, Hennessee wrote:

It is always least expensive to go through parks or the poorer sections of the city. It is also the least politically objectionable way; until very recently, black political power simply wasn't.

Referring to Watts, Abbott said the "revolt" (ECTC would not call it a "riot") was a direct result of the freeways of Los Angeles. His explanation employed the same example as Wirth had used:

"It was a two-hour trip for a laborer or a domestic in Watts to get to the available jobs. It's like that in the District now." The freeway won't solve the problem, even if hundreds of express buses speed out of the slums and across the city because the slums won't be there anymore. They'll have been replaced by shiny new unaffordable urban renewal projects.

He rejected "the vogueish" design team concept. "He said it was like "calling in a plastic surgeon after the operation to remove the scars. A few petunias planted on top of a ditch won't change the vicious character of the ditch."

As for freeway advocates' support for a balanced transportation system:

Abbott said, "it's as sincere as a prostitute speaking of love. The only subways we have are under the Senate and House, and we have all these roads, with four thousand cars per square mile. Our first job is to correct this imbalance. Freeways would only add to it. Stop the freeways, build the subways first, then evaluate the necessity for more freeways."

Bernard and Vera Pryor

Most of the displacements thus far were for the North-Central Freeway in Brookland, "an integrated neighborhood of single-family homes and treelined [sic] streets." It was "an old, stable community with two politically aware civic organizations, affiliated with the Emergency Committee, that know how to make noises in the right direction." The Pryors of the Brookland Civic Association had received "the full flavor of District condemnation proceedings":

The appraisers – when they were allowed inside – offered a "fair market value," which turned out to be what the homeowners had paid for their houses ten years ago. Those who refused were subjected to a barrage of intimidating phone calls and letters threatening condemnation. Those who acquiesced put down payments on other, more expensive houses. The Pryors went to City Hall, but neither the Mayor nor the Assistant

Mayor, Thomas Fletcher, could offer anything more than sympathy. “Comparable housing,” guaranteed by law to the displacees, just wasn’t to be had.

The Pryors saw it as a race problem. When a community became mostly Negro over time, “just when it’s paid for and people are all settled, the power structure comes along with urban renewal or a new school or some kind of public thing.” Pryor cited the new southwest as an example. The displaced had owned their homes. “They didn’t give them enough money or take care of their mortgages. They didn’t care. A lot of them had to double up in other communities, causing crowding. That’s how a nice community goes down. That’s what pushes the slums around.”

Mayor Washington

Although Mayor Washington had hired Pryor to help displacees from Brookland, area residents “consider that the Mayor has given them little more than double-talk.” In his defense, Hennessee pointed out that he was trapped “in the middle with a headache inherited from the three-commissioner system.” Moreover, he was being pressured to favor freeways by the highway interests, Congress, and “Thomas Fletcher . . . who cannot conceive of any major city without its quota of freeways.” Mayor Washington also knew that “if Congress legislates to force the freeway program through, at least part of the veneer of District government will be stripped away.”

Federal City Council

The late Philip Graham, publisher of the *Post*, was “the original guiding spirit of the Federal City Council.” It was composed of “Important People” who created “a positive-thinking organization”:

It is almost never against anything constructive, but back in 1960 it did oppose the planned North West Freeway in the Wisconsin Avenue Corridor. Savagely attacked by everyone throughout the length and breadth of Wisconsin Avenue for the havoc it would wreak – it would have meant, for instance, lopping off part of the Chevy Chase Club’s golf course – the Northwest Freeway vanished in the language of the National Capital Transportation Act of 1960 which said that no freeway more than two lanes wide could be built west of 12th Street, N.W., for five years.

Like ECTC today, the Federal City Council said of the freeway at the time that “it was senseless to build it until *after* the subway was built, in order to give mass transit a fair trial.” Hennessee added:

Of the members (called trustees) of the council, less than half live in the District, all of them west of Rock Creek Park. The rest live in the suburbs.

General Prentiss, the former District engineer commissioner, was vice president of project planning, particularly transportation policy. His sister was married to Ben McKelway, who chaired “the editorial board of the *Star*, which, like the *Post*, believes freeways are irresistible.”

The Federal City Council generally manages “to avoid newspaper publicity, good or bad,” but that changed following release of the Arthur D. Little report in April 1966. Although the council, like Engineer Commissioner Duke, was in “a state of shock,” it hired Lloyd Rivard of the Automotive Safety Foundation to work with two former District Highway Department officials, Director Aitken and Douglas Brinkley, on a second report that was turned over to “a closed, nighttime hearing before the subcommittee on the District of the House Committee on Appropriations.”

Based on that report, Chairman Natcher withheld subway appropriations until NCTA Administrator McCarter voted in support of freeways. With the support of McCarter and NPS Director Hartzog, NCPC voted 6-5 in favor of the Policy Advisory Committee’s plan:

Soon after, Rivard and General Prentiss’s son, William Clark Prentiss, got jobs with the Highway Department, Rivard as chief planning engineer, and Prentiss as an assistant engineering commissioner to Duke.

Although NCPC Chairman Rowe had been outmaneuvered, she took advantage of her opportunity to reverse the decision with the arrival of Secretary Boyd. “Boyd’s reaction – dumping Three Sisters for the present – was all the anti-freeway people could have hoped for.”

Downtown Progress

In the interest of the city and in reversing the flight to suburbia, “the Federal City Council in 1960, put its head together with the National Capital Planning Commission and came up with Downtown Progress, a technical planning agency privately financed by the department stores, banks, and business groups.” Executive Director Knox Banner said, “Our job is to get others to do things – to get public agencies to do things we think appropriate for the community.” They accomplished this by conducting studies, such as the study the organization did of air-rights housing and commercial buildings along the Center Leg Freeway.

The idea, Hennessee wrote, was: “Progress equals growth, and without freeways there can be neither”:

The argument goes like this: as the region grows, more suburban people drive in. The freeway (including the Inner Loop around downtown), in its function as a bypass, helps the downtown area by getting traffic off the local streets, making it easier to get around.

Trucks that did not need to be in the District would use the Capital Beltway as a bypass:

“The trade-off,” said Melvin Levine, planning director of Downtown Progress, “is a residential area with through traffic on the streets and congestion, or a freeway removing through traffic from local streets. Without growth, more things will move out to the suburbs, resulting in higher taxes for the poor, the very people who are fighting freeways.” Also, unlike the subway, it’s a user-pay system, and isn’t a burden on the local tax base. The whole package produced more building, more business, more visitors, more sales, and more employment, especially in construction.

The subway was essential, too, and should be built as soon as possible:

“We would like to see the highest percentage of people using rail,” said Banner, “but the facts are different. We’d be tickled if it could be ninety percent, but people make individual choices.”

If people insisted on driving downtown, parking was the problem “and the solution to that is the Tydings Bill.” It had become, however, “another source of friction between the pro- and anti-forces.” The Federal City Council and Downtown Progress supported the bill:

The primary antagonistic response is to the eminent domain clause which could result in condemnation of more businesses, homes, and parks, to accommodate, and therefore invite, more cars.

Committee of 100 on the Federal City

Founded in 1923 by Frederic A. Delano, the Committee of 100’s main interests were planning, conservation, and preservation. Chairman Chapman was a Georgetown architect “and most of its members are professional people, businessmen, Government employees, conservationists.”

Unlike other pro- or anti- groups, the committee likes some freeways (the South Leg Freeway tunnel) and would like to replace others (razing the Whitehurst Freeway and tunneling the Potomac River Freeway under the Georgetown waterfront), but opposes the North-Central Freeway and Three Sisters Bridge:

It would like the subway built immediately; fringe parking at the edge of the city, with express bus service downtown; and it very much questions the economics of the air-rights solution to housing for displaced people. A platform covering the freeway costs more than the land for the freeway does, and it’s therefore impossible to put up low-income housing outside of urban renewal areas.

Kennan, the lawyer who chaired the roads committee, said, “The need for most of the freeways has not been established,” a view shared by his predecessor, Peter Craig. Hennessee wrote that Craig “spent six years disestablishing the Highway Department’s origin-and-destination studies and data:

Craig, an entire research organization in himself, went back to the source, the work sheets of those twenty million dollars worth of consultants’ reports, and came to the conclusion that the Highway Department’s statistics were full of helium.

Not only that, but none of the reports actually showed the need for a Three Sisters Bridge. And most of them didn’t recommend the North Central Freeway, either

His statistics proved that freeways running through cities increase congestion, add to the suburban population, and, by bypassing downtown, accomplish nothing for business. In freewayless areas like the Northwest, traffic jams are comparatively fewer – encouraged by the lack of a highway, more people have been riding buses. And in the North Central

Corridor, traffic has decreased without a freeway. The number of cars there in 1965 was closer to the number in 1955 than to the 1955 forecast of what traffic would be in 1965.

Not everyone appreciated Craig's "private library of raw data," his testimony, or his report, *Freeways and Our City*:

Craig and talked and testified to get his view across until his name became anathema to the freeway people, especially certain Congressmen, who are livid at Boyd, and think he has been brainwashed by Craig. "There is an individual," said Representative Broyhill, a member of the House District Committee, "at the right arm of the Secretary of Transportation, who has shut his mind against any additional river crossing. This person hasn't a fraction of the ability of the traffic engineers and highway experts who have made a profession out of this field."

Congress

For the District of Columbia, Hennessee wrote, Congress had a "dual role of national and local arbiter," as well as "a proprietary interest in seeing that the Federal Interstate Highway program not be bogged down in a network of local city streets."

The House Committee on Public Works, which had sponsored the Federal-Aid Highway Act of 1956, held a hearing on the District's Interstate System "barely a month after Boyd dropped his bombshell on the Three Sisters Bridge last November." Although the issue would seem to be better suited to the House District Committee, the Public Works Committee members apparently did not trust that committee:

For example, District committee chairman John McMillan of South Carolina, is known to be very skeptical of the Highway Department's freeway statistics; and Basil L. Whitener of North Carolina is very fond of the mass transit idea. William L. Dawson of Illinois is so antagonistic to freeways that he put into the Congressional Record the entire Court of Appeals decision, and published a scathing minority report on a 1965 bill authorizing the District to borrow more money for highways.

Representative Broyhill supported the freeway plan even though "not a single Virginia citizens group has come out in favor of freeways." He said, "I don't believe this many experts over this period of time after this many surveys can be wrong. The people opposed to it are people who just don't want to move. They haven't got expert credentials." He cited conversations with the presidents of a leading business association, a leading department store, and a leading bank who supported freeways – and more parking facilities. "They want ways to get people in. Who among the opposition can match these three people in their stake in the economic well-being of our Nation's Capital? They haven't got a quarter invested."

His counterparts in Maryland agreed, noting that the North-Central Freeway was to be Montgomery County's only District freeway. Representative Machen said, "I don't want the Washington metropolitan area to look like Los Angeles." However, breaking the logjam was imperative "for the benefit of the hundreds and thousands of highway commuters in this area.

We cannot afford to let a tragic lack of interstate highways choke this metropolitan area to death.”

Chairman Natcher felt so strongly about a balanced transportation system for the District “that he flatly refused to appropriate any money for the subway until the freeway goes full speed ahead.” He did not believe the subway should be used to destroy the freeway system planned 12 years earlier.

Hennessee added that WMATA, “sensing a certain skepticism towards mass transit’s potential as a congestion reliever, has been holding its breath, hoping nobody will notice it until the freeway furor dies down.”

Chairman Kluczynski’s subcommittee was “weighing the merits of legislating the court injunction out of existence” by ignoring the U.S. Court of Appeals, the Transportation Department, and the District government and ordering the city to build the freeway system. As Representative Broyhill put it, “We can change the law so that no more hearings need to be held.” The problem with that idea, Hennessee wrote, was:

For the purposes of the Highway Act, the District is considered a state, and no Congressman in his right mind would want to establish a precedent allowing the Federal Government to override local governments on local affairs. If it’s done here, it could happen in any state.

Still, the 10-cent Interstate Construction dollar “has inflamed a good many Congressional imaginations, and the very idea of halting the program is inconceivable, a shocking waste. This don’t-look-a-gift-horse-in-the-mouth philosophy, rather than actual need, is at the root of the freeway fever. [Hennessee, Judith, “A Layman’s Who’s Who on the Freeway Donnybrook,” *Washingtonian Magazine*, May 1968, pages 42-49, italics in original]

National Capital Planning Commission’s Future

With the District of Columbia’s new government in place, NCPC’s future was uncertain. Throughout the year, newspapers reported on the idea of abolishing or transforming NCPC and turning its responsibilities over to the new District of Columbia government.

In January 1968, Mayor Washington’s work group reports had recommended a change to give the city control over the planning function. On January 21, the *Post* reported that a “three-sided effort is being launched to reorganize the National Capital Planning Commission”:

A reliable source indicated yesterday that the push for reorganization, which is certain to be opposed by Commission members and staff, is also a key to the eight-month delay in appointing a new Commission chairman.

Mrs. James H. Rowe, Jr., whose five-year term expired last April, is sitting as chairman until President Johnson appoints a successor. But it was reported that the President is not eager to make a change while reorganization plans are being discussed at various levels.

Senator Tydings was planning legislation to change NCPC's authority, possibly to restrict it to Federal projects, thus leaving the city to plan its own public works.

Bureau of the Budget officials, according to congressional sources, were "on the hook" to shift NCPC and other autonomous agencies, such as RLA, under city control:

The Bureau is said to be considering the idea of turning over all Federal planning in Washington to an existing executive agency, such as the Interior Department, or to substitute a new agency for the Planning Commission.

The Washington Center for Metropolitan Studies was expected to release a 150-page report on NCPC in February:

Royce Hanson, who is president of the Center and is reported to be the leading candidate to succeed Mrs. Rowe, said, "The municipal planning functions of the Commission should be transferred to the municipal government." [Hoagland, Jim, "3 Plans for NCPC in Making," *The Washington Post and Times Herald*, January 21, 1968]

On February 11, the *Post* published a portrait of NCPC Chairman Rowe. Chairman "Libby" Rowe lived with her husband, "lawyer and Democratic organizer James H. Rowe," in Cleveland Park, "where she does much of her Commission work, by portable typewriter, pen and telephone."

She was, of course, known as a "foe of freeways," but she considered that term a misnomer:

She likes the Capital Beltway, for one, "even though it was routed through Rock Creek Park." This is because it has acted as a "distributor and a bypass."

She consistently stressed the virtues of beauty and functional efficiency:

Where the Nation's Capital is concerned, she maintains, the two are inseparable and no judge of what is good in urban planning for the city that is the seat of National Government will ever grant a divorce.

She believed that Washington, like other cities, was facing "the challenge to urban life of freeways. It is just that they have to be tamed when they come into a city. It is a question of values. Interstate traffic has no place in the Nation's Capital":

When they do not hog parkland, alter the characteristics of a neighborhood or block the Capital's magnificent vistas, she is no longer freeways' foe.

Going underground to prevent the isolation of a church from its congregation or of a school from its students, is a far better way, Mrs. Rowe believes. In her opinion, the Southeast Freeway's 11th st. interchange "never should have happened."

Hundreds of people were displaced, even though the proposed acreage was reduced from 40 to about 10, and the character of the neighborhood was changed so that Mrs. Rowe

now says, “The fabric is torn apart. I don’t know what that end of the city is going to look like.”

She was encouraged by the anti-freeway citizen activism:

“I am hoping that the community will find it unacceptable,” she says, pointing out that it is being opposed by citizens groups “east and west, north and south, white and Negro, low and high income, everyone from a retired colonel to Marion Barry.”

She would prefer to put land back on the tax rolls instead of removing it from them. She would prefer to see Virginia traffic routed over the 14th Street Bridges and the “presently under-used Roosevelt Island Bridge.” Actually, she still believed the Theodore Roosevelt Bridge should have been a tunnel:

“Bridges,” she says emphatically, “are symbols of the success or failure of a highway program.” By this standard, the controversial Three Sisters Bridge, which would take “untold acres of park land on both sides of the river,” is “wrong.”

She strongly favored the subway, and had since she took office in 1961:

Besides unsnarling traffic and making life more comfortable, as well as tidier for residents, it will add a big visitors’ center at Union Station (with rail use underground). It will also spark the rise of new neighborhoods around its cross-town and uptown stations.

These will include both commercial and residential development, and with good planning and careful zoning the clusters should help to distribute Washington’s growing population and offset a spread to the northwest.

As for those calling for abolition of NCPC, she did not agree:

Washington, next to New York, has the highest concentration of downtown employment of any city in the United States, she points out. Despite the exodus to the suburbs, “we will have a vital city center. Because of Federal employment and all the services – the restaurants, shops and professional organizations that exist here that keep people downtown – our downtown, although it can be improved, is in better shape than that of many cities.

It is because of this Federal role that she is opposed to a current proposal to split the functions of the Commission between the District Government and the Interior Department.

What she liked most about her tenure is “the change in attitude that has taken place.” She compared the 1950s-era redevelopment of southwest, which disregarded the displaced people, to the ongoing redevelopment of Shaw, where renewal was being done with and for the residents. As a result, it will be “handsomer, better, more livable but not so expensive that people who live there can no longer afford to live there.” She added, “This is the single thing that has pleased me

most. The ingredient of city planning is people rather than buildings.” [Shelton, Elizabeth, “Planner Believes in Low Road,” *The Washington Post and Times Herald*, February 11, 1968]

On February 15, Senator Tydings introduced his bill proposing creation of the Agency for Planning and Development under the supervision of the District mayor. The new agency would handle the local functions of NCPC, RLA, and the National Capital Housing Authority. In a speech on the Senate floor, he said the potential for America’s cities depended on “the rational and effective use of planning and development tools by the local jurisdiction.” Planning “brings about the rational use of available social, economic, and demographic information on conditions and needs to develop future patterns and objectives for the city’s growth.”

Other cities have been able to benefit from such planning, but the District government “stands at the opposite pole” from those cities. Planning for the District was “so highly fragmented as to make virtually impossible the establishment, let alone the execution of a cohesive and consistent policy.” The problem was “the profusion of independent agencies, each of which enjoys some authority for planning, or some development function.”

Although NCPC had no power to initiate or implement projects, “it can effectively block them through its review procedure,” which gives it the ability to implement its plans only by rejecting those of other agencies in the city:

But even here, this rejection can and is frequently ignored. The net effect is that planning in the District of Columbia which is supposed to act to rationalize development for the future is unable to have any real influence on the shaping of the city.

He said of his bill:

This legislation reflects two basic objectives, the centralization and strengthening of the planning and redevelopment functions of the municipal government to make it more capable of developing and carrying out coordinated and rational policies and the involvement of the citizens in that process. Traditionally, these two objectives have not been sufficiently reconciled. This legislation attempts to strike a sufficient balance between the two to make them not only compatible but complementary.

His legislation also called for creation of an Office of Federal Development “with responsibility for devising, in consultation with Council of Governments and the local jurisdictions, of a Federal site and Government facilities plans.” As an example of the need for such an agency, he cited “the Atomic Energy Commission building on a site where no major highway or other form of transportation reached for a couple of years after the building had been completed.”

(President Eisenhower participated in the dedication ceremony for the new Atomic Energy Commission headquarters in Germantown, Montgomery County, Maryland, on November 8, 1957. The main building, with one more yet to be built, was on 109 acres at the intersection of Maryland Route 118 and U.S. 240, about 25 miles from downtown Washington. President Eisenhower took a helicopter to the ceremony. At the time, U.S. 240 was on a new alignment that would become I-70S, then I-270, although paving had not been completed before employees

began moving into the building in January 1958. [“President to Dedicate AEC Building Friday; Strauss to Preside at Big Fete,” *The Evening Star*, November 6, 1957; “President Stresses Peace At AEC Dedication,” *The Evening Star*, November 9, 1957; McGuckian, page 152])

The bill was referred to the Committee on the District of Columbia. [S-2976 – Introduction of Bill Relating to the Reorganization of Planning in the District of Columbia, *Congressional Record-Senate*, February 15, 1968, pages 3130-3133]

Later that month, the *Post* reported that Assistant Budget Bureau Director Harold Seidman and Deputy Mayor Fletcher were on Capitol Hill seeking congressional reaction to a three-page summary of a reorganization plan that would abolish NCPC. Under the plan, “the District government would be given control over its own planning organization.” The summary stated that the proposal would give the mayor “those functions of the NCPC related to the development of comprehensive plans for the District of Columbia.” The plans would be subject to city council approval, thus ensuring that “citizen participation in the planning process would be enhanced.”

Because NCPC’s Federal functions would be transferred to a new Federal Capital Area Planning Agency, the Federal Government’s interest “would be protected by requiring that elements of the comprehensive plan affecting Federal developments and projects or the preservation of important natural and historical features be subject to approval by the Federal Capital planning administrator,” who would be subject to presidential appointment and Senate confirmation.

The *Post* pointed out that the “plan is also bound up in the city’s continuing freeway dispute. NCPC has consistently blocked freeway construction here, and Mrs. Rowe is an outspoken opponent of freeways.” Under the plan, the city council would be “approving new highway plans.”

President Johnson had not yet approved the proposal, which “still faces formidable opposition” from Chairman Rowe, “wife of a close friend of the President.” The article added, “The proposal could be part of the President’s expected message to Congress on the District late this month.” [Carper, Elsie, and Milius, Peter, “Plan Is Drawn Up To Abolish NCPC,” *The Washington Post and Times Herald*, February 21, 1968]

In the days before President Johnson’s message, the Bureau of the Budget modified its plan to retain NCPC, which would be able to veto parts of the city’s comprehensive plan affecting Federal, natural, and historic areas. NCPC would be able to review city highway and urban renewal plans but not veto them. In addition, NCPC would consist only of five private citizens appointed by the President. The ex-officio agency heads would no longer participate.

The *Post* reported that NCPC opposed the plan, with NCPC Vice Chairman Loughheim saying, “We consider it unworkable”:

“It’s impossible to make that division,” Loughheim said, pointing out that there is some kind of Federal involvement in almost every section of the city Where do you draw the line?

Separating the Federal from the local interest “is not orderly planning.” He supported the idea of the city having a strong planning function but with NCPC having final authority.

NCPC member Edwards said:

There has to be an agency with a mandate for overall planning. More than 43 per cent of the land in the central city is in Federal use.

The Commission is not subject to the same kind of political pressure the District government would be if planning power were in the Mayor and Council. The Commission can handle the Federal establishment as well.

Member Conrad Wirth, the former NPS director, said the plan would “create a double-headed monster. There would be more disputes than there are now.”

Similarly, member Thiry said:

[NCPC] is badly needed for the preservation of the Greater Washington area and the L’Enfant plan. There is a great coordinating job that has to be done by some coordinating agency. If it isn’t done there will be bedlam.

Reporters could not reach Chairman Rowe for comment. [Milius, Peter, “U.S. Shifts Proposal On Planning Roles, Would Retain NCPC,” *The Washington Post and Times Herald*, March 8, 1968; Milius, Peter, “NCPC Opposes Plan To Split Its Power,” *The Washington Post and Times Herald*, March 9, 1968]

President Johnson sent his District of Columbia message to Congress on March 13. It called for giving the city new tools to fight crime, improve courts, enhance enforcement of the housing code, establish community school centers, and ease restrictions on child labor laws.

The message did not mention freeways or rail rapid transit. It also did not touch on NCPC. According to the *Star*:

A presidential aide said at the briefing that the reported reorganization expected for the NCPC was delayed because complex issues must be ironed out before reorganization legislation is sent to the Congress.

He said it was doubtful that the plan to give the city its own planning authority would be ready this year. [Sarro, Ronald, and Conconi, Charles, “Johnson Offers Congress Broad New Plan for D.C.,” *The Evening Star*, March 13, 1968]

As the Johnson Administration was considering the future of NCPC, subcommittees of the House and Senate Committees on Appropriations were considering the Department of the Interior and Related Agencies Appropriations for 1969. NCPC was one of the related agencies.

On March 11, Chairman Rowe and other NCPC leaders appeared before the House subcommittee. While the testimony was largely about the funds NCPC needed for its activities,

Chairman Julia Hansen brought up the subject of NCPC's future. She asked Chairman Rowe about the delay in appointing her successor. Rowe confirmed that her appointment had run out a year earlier and that she had asked President Johnson not to reappoint her:

I felt that 6 years was a long time. But it was just at the time when the District government was being reorganized and there were so many questions up in the air that I said I would stay on for a few months and I am still here.

Although Chairman Hansen had not seen anything official on the abolition of NCPC, she asked Rowe to "give us any idea you can of what the future may hold":

Mrs. Rowe. Well, I believe that the abolition of the Planning Commission which you read about in the papers is not in the books. There may well be some functions which are properly municipal functions and are now in the Planning Commission that may be transferred to the new District government. The entity of the Planning Commission itself, I believe, from everything I know, will be maintained and---

Mrs. Hansen. Well, if maintained, but what authority would it have?

Mrs. Rowe. Well, its greatest measure of authority, Mrs. Hansen, is in the Federal field, in the planning of the Federal Establishment in the city and the area.

Chairman Hansen asked how the Federal establishment can be disassociated with "the total complexion of the city." She added that without the Federal Government "there would not be a city here." It would be "an undrained swamp." Congress favored the philosophy of self-government, but she wanted to be sure "the entire picture is crystal clear" on which responsibilities belong where "so that there cannot be impingement upon the Federal domain or the Federal interest just for the sake of a political expediency at some distant time":

We, as a Federal City, are international and national and it is not purely a parochial matter.

This is why I don't contemplate any dissolution of a National Capital Planning Agency [sic] that is related to the Federal establishment. The Federal Government can become the creature and the captive of the city government, because many things that happen in city government are not particularly meaningful to the development and advancement of the Federal Government, such as beauty, design, planning, or development.

Without good relations between the Federal and city government, the pressure to move the Nation's capital, or at least many of its functions, outside the current capital would increase:

All of our States are constantly on the move to find the kind of industry that the Federal Government is that guarantees a stable payroll. No other city in the United States has this particular advantage that Washington has.

Chairman Rowe agreed with Chairman Hansen “wholeheartedly.” The situation was unique. “We have a great city and it is the Nation’s Capital, and there must be planning through the Planning Commission which provides a place for the municipal and the Federal to meet.”

She praised the mayor, deputy mayor, and city council as “dedicated people,” but Chairman Hansen interrupted to say, “Mayors come and go. The Federal City remains.” She praised Mayor Washington, but added that in an elective government, the voters could choose different leaders who will try to tell the Federal Government what to do. She asked if Chairman Rowe agreed that “if Federal planning breaks down and if the colloquy fails and these joint, mutual discussions, the Federal institutions will move to [an] increasingly greater degree beyond the borders of the Federal City.” Chairman Rowe agreed.

Chairman Hansen continued:

Having had a long familiarity with campaigns and with politics, I know how easy it can be for someone to adopt a war cry – if I am elected, I will do this. You can see Pennsylvania Avenue eliminated in one fell swoop given the proper set of circumstances or you could see any other group of buildings eliminated by the expediciencies of the moment.

[Department of the Interior and Related Agencies Appropriations for 1969, Hearings Before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 90th Congress, 2d Session, Part 3, pages 32-34. The subcommittee conducted the hearing in executive session, with the report not released until the week of April 29.]

Chairman Rowe appeared before a subcommittee of the Senate Committee on Appropriations on March 13, the same day as President Johnson’s message to Congress on the District. Chairman Carl Hayden asked Chairman Rowe to comment on press reports about reorganization of NCPC. She replied, “There have been conversations within the administration, Mr. Chairman. To my knowledge, no conclusion has yet been reached.” She added that NCPC officials had worked with the city government in the past, and they were “very pleased with the reorganized District government” and its dedicated leaders. “And we anticipate working very closely with the District.” However, on the specific question, “I am sorry. I have no answer.” [Department of the Interior and Related Agencies Appropriations for Fiscal Year 1969, Hearings Before a Subcommittee of the Committee on Appropriations, United States Senate, 90th Congress, 2d Session on H.T. 17354, part 2, page 2220]

Star editors addressed President Johnson’s message on March 14. In “a single flourish of rhetoric,” the message addressed “the total problems of the city.” It highlighted “the weaknesses of leadership, as well as the strengths”:

It seems incredible, for example, that the President while paying minute attention to many problems of lesser concern, failed to devote a single sentence in his lengthy message to the District’s transportation crisis—which happens at the moment to be its most divisive issue.

Approval of a rail rapid transit system was “a very significant political feat,” but the message was silent on efforts to secure funding for it. “Not a word.” President Johnson also “favored the city’s critical freeway impasse with the same silent treatment”:

This was a severe disappointment, which makes the necessity for Congress to straighten out the mess – if the White House will not act – more urgent than ever. The fiasco at last night’s City Council hearing should certainly stimulate efforts in this direction.

(This was hearing that prompted the *Post* to report that Chairman Hechinger began the hearing on time: “It was almost the last thing he was able to do promptly and very little order materialized.”)

The editors also criticized President Johnson for not addressing city planning, especially in view of reports in recent weeks that the White House was circulating reorganization plans. The editors accepted the spokesman’s observation that officials had not yet worked out the details, but the “absence of a reorganization plan involving the planning commission is being widely regarded as a personal victory for the NCPC chairman, Mrs. Elizabeth Rowe.” In the editors’ view, she was “not giving the NCPC effective leadership, and she ought to be replaced.” However, “the problem of planning organization goes deeper than that”:

The fact is that any new system of planning must be based on a method of reconciling differing local and federal interests, and no proposal which we have seen thus far fully meets that need. [“State of the City,” *The Evening Star*, March 14, 1968]

Elsewhere in the *Star* on that same day, an article reported that the idea of shifting NCPC’s functions to the city government “apparently has been killed for this year.” President Johnson’s failure to mention it in his message reflected this apparent reality. (President Johnson signed an order transferring control of the National Capital Housing Authority to the mayor’s executive functions and asked Congress to do the same with the D.C. Recreation Board and RLA.)

Senator Tydings said, “We’ll continue to explore the desirability of reorganizing the planning apparatus of the District.” Although Representative Gude appreciated President Johnson’s comments on the city’s school problem, he said the message “sent over the appetizer but not the main course.” Representative Nelsen of the District Committee said the absence of the NCPC proposal left him “wondering . . . in view of the preliminary work. It had a great deal of merit.” [“Move to Give D.C. Control Of Planning Appears Dead,” *The Evening Star*, March 14, 1968]

The Washington Center for Metropolitan Studies finally released Douglas Harman’s study of the city’s planning apparatus on April 15. It recommended abolishing NCPC and transferring its functions to the city government. Over the years NCPC “tended to be an institutional enemy of the District government.” In view of the new District government, NCPC’s “continued involvement in municipal politics could create further hostility between it and the District of Columbia government.” He said:

The new mayor and City Council should now be charged with planning responsibilities through the transfer of municipal planning functions to [the] District government. City

planning in Washington is too important to be delegated to an independent, Federal planning commission.

The report traced the effort to separate planning and politics, but in the long run, the planners were outside the will of the people.

In a press conference, Harman said he did not expect any problem:

He said the planning commission was apprehensive because of efforts earlier this year to abolish it and have its municipal planning programs transferred to the city government.

Therefore, the planning commission will wait until it is asked to make a decision, and then may assert its authority, Harman said. [Flor, Lee, "Study Calls For Abolition Of Capital Planning Board," *The Evening Star*, April 15, 1968; "Planning for D.C.," *The Washington Post and Times Herald*, April 16, 1968]

The City's View

On April 18, Deputy Mayor Fletcher signed a letter to Chairman Fallon opposing H.R. 16000. The city, Fletcher wrote, "strongly recommends against enactment" of the bill. Officials were "very much concerned about the effect that enactment of the Kluczynski bill would have on the District's ability to plan an effective highway system to meet the city's needs and to allow maximum citizen participation."

H.R. 16000 would undercut the ability of citizens to "meaningfully participate" in "the city's decisions regarding development of highways affecting their vital interests." Public involvement could best be assured "if the final authority to determine the highway system . . . rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community."

As an alternative, Fletcher recommended adoption of a bill the city had prepared and that he forwarded to Chairman Fallon. The *Star* described the bill:

The city government made its position clear today by submitting proposed new legislation to assure its major control over new projects, to assure construction of three highways not directly affected by the court decision, to guarantee maximum citizen participation in highway planning and to provide bonus payments of up to \$5,000 to help displaced families get adequate housing The supplemental payments would be made only for owner-occupied single or two-family houses.

The three freeways not covered by the U.S. Court of Appeals ruling, but that "might be considered to be subject to the same legal cloud," were the 9th Street Expressway from the Southwest Freeway to Constitution Avenue; the Center Leg of the Inner Loop from the Southwest Freeway to New York Avenue; and interchange "C" from 6th Street, SE., to Barney Circle, where it linked with the 11th Street Bridge:

The city's legislative proposal would require Mayor Washington to submit a new highway plan to the council, which would hold public hearings The council could approve, modify or disapprove the mayor's proposals. The mayor would have veto power over council changes, and the council could override vetoes as it is empowered to do on the city's budget.

The bill also would change the role of NCPC, which would have only an advisory role. Mayor Washington would consult with NCPC before submitting his plan to the city council, which also would seek NCPC's advice. However, NCPC's views would not be binding on the council. [Sarro, Ronald, "District Asks Congress For Freeway Control," *The Evening Star*, April 19, 1968; Kaiser, Robert G., "City's Freeways Bill Asks Council Role," *The Washington Post and Times Herald*, April 20, 1968]

As soon as the city's bill was released, ECTC demanded a meeting with Mayor Washington, Deputy Mayor Fletcher, and the city council. In an informal 3-hour public hearing on April 20 before an audience of about 125 people, Vice Chairman Cassell told the officials they were headed "the wrong way" on freeways. ECTC rejected the compromise and promised to return to court to block two more projects: the Center Leg and interchange "C."

Mayor Washington responded that the city thought continuing the three freeways was a "reasonable position." He explained, "We want to complete the items that are practically completed," while leaving the remainder of the system to be "looked at again" before decisions on them are made. By putting decisions in the hands of city officials, they would be "making some headway," unlike in the Kluczynski bill.

Hechinger agreed, saying that if the city had not submitted its compromise bill, Congress could "jam it down our throats. No decision has been made to construct anything that is not substantially completed":

He said that the Center Leg and Interchange C could be built as independent units; neither could lead necessarily to further construction, he said.

He also noted that, under the court order, the city could still build freeways, simply by starting over and following the procedures now in the code.

The city bill, he went on, merely sets up new procedures, and under these the Council could still vote not to build any more freeways.

But if the Public Works Committee bill goes through, said Hechinger, there will be no alternatives, and no citizen participation in planning the rest of the system.

ECTC said the city's bill was an attempt to sugarcoat rather than kill the freeways. Booker told the city officials, "There is no compromise on the freeways." He urged the city to cancel all the freeways and build the subway first. Cassell said of the three projects, "You can't take a portion of a badly conceived program and continue it simply because it was started." They, along with Sammie Abbott, objected that the bill called for citizen participation in consideration of "freeway routes." No further consideration should be given to freeways.

Abbott said, “The bill says citizens can participate in the planning of freeways. The hell with that. We’re going to participate in the stopping of freeways.” He added that the Center Leg Freeway and interchange “C” would lead logically to further freeway construction. ECTC intended to go back to court to seek an injunction on further consideration of the city’s bill.

He and other speakers said the additional \$5,000 for displaced families amounted to bribery. They warned that continuing the freeway program could lead to civil disorder, something the city had such recent experience with in the wake of Dr. King’s assassination.

Mayor Washington replied that he favored the higher payment, adding, “I believe it ought to be applied to all forms of relocation.” [Sarro, Ronald, “Withdraw Freeway Bill, Citizen Unit Asks D.C.,” *The Evening Star*, April 20, 1968; Milius, Peter, “Freeway Foes Reject Compromise,” *The Washington Post and Times Herald*, April 21, 1968; Sarro, Ronald, “Foes of Freeways Seek Court Ban on 2 More Projects,” *The Sunday Star*, April 21, 1968]

The *Star* reported that the “meeting with city officials was calm, contrasting with a similar session last month which was punctuated with outburst and disorder.” The *Post* agreed that the meeting was “polite.” [Sarro, Ronald, “Foes of Freeways Seek Court Ban on 2 More Projects” and “Withdraw Freeway Bill, Citizen Unit Asks D.C.,” *The Sunday Star*, April 21, 1968; Milius, Peter, “Freeway Foes Reject Compromise,” *The Washington Post and Times Herald*, April 21, 1968]

Star editors called their editorial on the city’s plan a “Freeway Surrender”:

Mayor Walter Washington, who has performed so ably in many other areas, has chosen to back away from his responsibilities toward transportation in the District Mayor Washington failed to recognize the urgent need to complete an adequate system.

The city’s bill did not contain a deadline for the mayor to initiate further proposals, or on the city council’s action on the proposal:

It takes no account of the factual determinations which already have emerged from years of highway planning. There is not a word of reference to the concept of an inner loop network which is vital to the future of the city. It offers, furthermore, no means whatever to resolve the conflicting views which inevitably occur among the influential federal and local officials involved in freeway decision-making.

Officials who opposed the freeways had delayed their construction for years. “What reason is there to feel that this impasse would be broken under a much more complex procedure?” As for citizen opponents, they “make it plain that their goal is not improved freeway planning but no freeways at all – not even a completion of those already begun.”

Adoption of H.R. 16000 was “essential at this point” to direct the city to build the remaining freeways “starting with the Three Sisters bridge and its connecting Palisades Parkway near the Georgetown waterfront.”

The editors praised some elements of the city's bill, "especially its sensible provisions for more liberal relocation assistance, which should be incorporated in the congressional legislation":

The Public Works Committee, however, should not hesitate to insist that certain projects must be built – as indeed Chairman Fallon and his subcommittee chairman, Representative Kluczynski, were prepared to do several months ago. If that determination should waver now, there will be little hope that this region's balanced transportation needs will be met. ["Freeway Surrender," *The Evening Star*, April 23, 1968]

On April 27, MacClane of the District Federation of Civic Association denied the federation planned to return to court to expand its lawsuit to block the three freeways under construction. He said that ECTC, while friendly to the suit, was not a party to it. ECTC leaders "were speaking for themselves." The parties to the suit thought that expanding it to projects under construction would be a poor strategy. [Flor, Lee, "Foes of Freeways Won't Ask Court To Ban Other Jobs," *The Sunday Star*, April 28, 1968]

In another matter, Lee Flor reported that Secretary Boyd had formally replied to NCPC request for a review of the Three Sisters Bridge. "The department's reply is ambiguous but concludes that the new District government and the planning commission will have to make up their own minds about the bridge." [Flor, Lee, "Foes of Freeways Won't Ask Court To Ban Other Jobs," *The Sunday Star*, April 28, 1968]

On April 30, after a 2-hour meeting with ECTC officials, Mayor Washington announced the city would restudy several points in its proposed substitute for H.R. 16000. Mayor Washington and Deputy Mayor Fletcher were joined, an hour into the meeting, by Chairman Hechinger. Representing ECTC were Booker, Cassell, Willie David, John Carter, and Linwood Chatman.

According to the *Star*:

Booker commented prior to [the meeting] that the committee wanted assurances that no new highways would be constructed. He said that according to the city's proposal the counsel still could say that freeways could be built.

After the meeting, participants declined to describe what happened except in general terms. It was, they agreed, a "very good meeting" that left participants "optimistic" about the future. Mayor Washington summarized the meeting by saying that ECTC "made some very sound observations and we will restudy our proposal." [Delaney, Paul, "D.C. Will Take Another Look At Freeways," *The Evening Star*, May 1, 1968]

On May 7, the District of Columbia held a primary election. The ballot contained nine items in addition to the nominees for President. One of the questions was:

Shall the Democratic Party support legislation providing that before a new highway in the District of Columbia can be authorized, it must be approved in a referendum conducted in the District?

Around 94,000 Democratic voters supported the referendum idea, while only about 5,000 voted against it. This vote would be seen by anti-highway groups as proof that District voters overwhelmingly opposed freeways.

Return of the Freeway-Subway Rift

General Graham and WMATA officials had testified before Chairman Hansen's subcommittee immediately after NCPC's appearance on March 11. They made clear that WMATA's top priority was construction of the 25-mile basic rail rapid transit system that Congress had approved.

In a prepared statement, General Graham pointed out that WMATA was working with the TPB, the area's 3C metropolitan planning organization under the Federal-Aid Highway Act of 1962:

This Board . . . has the objective of assuring that all plans for regional transportation are properly coordinated. One assumption basic to plans for the regional rapid transit system is that highway programs for the District of Columbia and of other [interstate] compact jurisdictions will be consummated. Rapid rail transit is considered to be a necessary element within the overall complex of a balanced regional transportation system.
[page 91]

General Graham told the subcommittee about WMATA's plans to award the first construction contracts during the first quarter of FY 1969 which would begin on July 1, 1968:

Moving on to construction, ground breaking this October is planned to take place at Judiciary Square One contract extends from Third and D Streets, to 10th and G Streets, including the Judiciary Square and Eighth and G Street stations. The other contract extends from 15th and G Streets to Connecticut Avenue at K Street. [page 97]

Chairman Hansen mentioned "the usual controversy" common to "every major city in the United States, relative to freeways and subway transit." She believed in a balanced transportation system containing both, but she asked General Graham, "Is this coordination completely solved?"

Mr. Graham. I think completely, Madam Chairman. The Authority has planned a rapid transit system that will be efficient, convenient, safe, and attractive. While we are not responsible for highway planning, we respect the expertise of the area highway departments and the transportation planning board that I mentioned earlier in planning the area's highway program. So we assume that the current plans for the area should proceed, the current highway plans, and we have made the assumption that the highway network is in there in determining our traffic and revenue assumptions.

Mrs. Hansen. As you quite realize, transportation can never be considered as separate segments. Transportation is a totality. Your roads and freeways act as feeders to develop the highest potential of your transit system. A subway system can ameliorate the perplexing problems of freeways and doesn't add to the crowding of your city streets.
I am glad----

Mr. Graham. That is absolutely right.

Mrs. Hansen. ----you have recognized the needs of the freeway system because it is a component part of the total transportation system. [page 99]

Later, she asked where WMATA fit in the “serious dissension today with regard to the development of the freeway system in the District of Columbia”:

Mr. Graham. I do not think there is much more to say, except that we have often called this regional system a motor age rapid transit system. By this we mean that 70 percent of our riders, when this system is complete, will come to the transit stations by highway, either by bus or private car, by driving their car and parking or being driven by others, to these stations. We are absolutely dependent for our success on an adequate highway network.

Mrs. Hansen. Adequate highway network and adequate parking.

General Graham. Yes. Our regional system includes 29,000 spaces, parking spaces, at the outlying stations for people to leave their private cars. [page 152]

Chairman Hansen also asked how withholding the District’s matching funds for the rail transit system would affect the construction schedule. General Graham said, “This again would jeopardize or forcibly delay the train operating dates.” All action to begin construction, such as general engineering and architectural contracts, would have to be suspended:

An extended delay would jeopardize meeting the operational date, or preclude meeting the date. If these funds were not available for a year, it is estimated that the delay would increase basic system costs by approximately \$25 million. Excessive delay would also render completed plans obsolete to some extent and could call for redesign of certain portions. [page 164]

During a May 3 meeting of the WMATA board, Chairman Gleason worried that the planned system was being “used as a whipping boy in the highway situation,” referring, without saying so, to Chairman Natcher’s threat to withhold District matching funds. He was particularly upset that freeway opponents suggested that the new rail rapid transit system alone could handle peak period traffic. “This is absolutely false . . . we have recognized that mass transit alone cannot take care of commuter needs for transportation.” WMATA was operating on the concept of a balanced transportation system of freeways and rail transit lines.

Councilwoman Shackleton, who served as an alternative WMATA director, replied, “I really don’t believe in blackmailing one for the other.” She said that tying the two modes together was “not healthy, not relevant” and she was “sorry this came up.”

Lee Flor recalled for readers that Gleason had once served as attorney to one of the anti-freeway groups, the Save Takoma Park Committee:

Reminded of this today, Gleason said he had never claimed that the rapid transit system “would eliminate the need for all freeways.”

Gleason said he left the anti-freeway groups “because there was growing evidence that really these people were not even in favor of mass transit.” [Flor, Lee, “Don’t Make Us Whipping Boy On Freeways, Rail Unit Asks,” *The Evening Star*, May 3, 1968; Eisen, Jack, “Road Rift Seen Peril to Metro,” *The Washington Post and Times Herald*, May 4, 1968]

The Administration’s 1968 Act

When the House Subcommittee on Roads held hearings on the Federal-Aid Highway Act of 1968, Secretary Boyd, accompanied by Administrator Bridwell and other department officials, appeared on May 23 to discuss the Administration’s bill. The bill contained the usual provisions related to the Federal-aid highway program, but also a measure to extend completion of the Interstate System to 1974 and to add \$8.340 billion to Interstate Construction authorizations. Secretary Boyd said:

That will give us a final cost figure for the Interstate System of approximately \$50.640 billion.

The administration bill would revise the schedule of authorization of appropriations to make possible the completion of the 41,000-mile Interstate Highway System About 6,000 miles of the Interstate System are in metropolitan areas and about half of that mileage remains unbuilt, partly because of its high cost and partly because people who live in the cities have asked us to take another look at the functions of an urban highway from their standpoint. This we have done and some of the results are evident in this proposed legislation.

On a more comprehensive basis than ever before, this omnibus bill recognizes that population trends have made city problems national problems, and therefore provides Federal funds for various solutions to urban highway programs.

He was referring to funds for TOPICS and other programs intended to improve urban traffic flow. [Hearings before the Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 90th Congress, 2nd Session, on H.R. 17134 and Related Bills, Committee Print 90-30, 1968, page 131]

The bill did not include a provision on District freeways or, despite his press conference a month earlier, a provision on right-of-way acquisition (other than an innovative measure allowing advance acquisition of property to prevent its development prior to the anticipated taking for a highway). He said of right-of-way reform:

Not part of the administration bill, but basic to it is a necessity for devising a new formula for compensation of homeowners dislocated by Federal-aid highway construction.

The Administration had decided to take a governmentwide approach as reflected in an earlier statement by Deputy Director Phillip S. Hughes of the Bureau of the Budget before the Senate Subcommittee on Government Operations concerning relocation payments, advisory assistance, and assurance of availability of standard housing.

Administrator Bridwell summarized the principal points of the Hughes statement from the standpoint of the Federal-aid highway program, although Hughes was referring to all Federal acquisition activities:

That each State would be responsible for assuring that it will provide fair and reasonable relocation payments, rent supplements, and replacement housing payments prior to the approval of projects by the Secretary under section 106, that is, relocation assistance programs would be offered – that relocation assistance in the form of advice, help to individuals in finding replacement housing. And that a State highway department could rely upon any other State or local organization having an established organization for conducting relocation assistance programs to carry out this responsibility. That the Federal share of the cost of this program would be in the same proportion as, in this instance, the highway program to which it applied.

The Secretary would have the authority to establish criteria for decent, safe, and sanitary housing for relocatees, and that would determine the eligibility for any one of the assistance programs – namely, rent supplement or a replacement assistance amount. The replacement assistance amount would be limited to a maximum of \$5,000, and the amount that a relocatee could claim would be that amount of difference between what he received for the purchased or condemned property under the traditional fair market system and the amount that he would have to pay for a decent, safe, and sanitary replacement dwelling. [pages 132, 145]

The Administration's bill contained other features that Secretary Boyd highlighted. One was related to the fact that under Reorganization Plan No. 2, to be signed on July 1, 1968, President Johnson would transfer administration of mass transit programs from HUD to the Department of Transportation:

To coordinate the urban highway program with the urban mass transit program being transferred to our Department July 1, we are proposing for the first time to provide Federal assistance for fringe parking in large urban areas The administration bill . . . would make it possible for us to pay 75 percent of the cost of fringe parking spaces if they were tied in with mass transit systems that would distribute people to the downtown area. Such parking facilities would have to be adjacent to Federal-aid highways serving urban areas of more than 50,000 population. [page 132]

He also mentioned:

Another "first" in the bill would make it possible for States to spend up to 2 percent of their allocation for advance acquisition of property for highways. The law now forbids this. As a result, highway planners often are forced to watch industrial or commercial

construction proceed on land they know is part of a long-range highway program. This bill would make it possible for them to buy land as many as 7 years in advance of actual need. It will cut eventual costs in many cases and will make it easier for cities to practice effective land-use planning. [page 133]

During Secretary Boyd's testimony, subcommittee members asked about many subjects, but not the District freeway controversy. Chairman Fallon raised the subject of delays in completing urban Interstate segments, but from the standpoint of the State highway agencies:

What is apparently happening is that the executive branch no longer accepts the concept of the relationship that has been going on for years between the local level and the Federal level. They seem to be exercising their will and control more and more all the time to a point where the States are complaining that it impedes progress of not only location but construction, planning, and engineering.

Secretary Boyd was not aware the concern, noting that he normally spoke with governors rather than highway officials. He mentioned some of the cities where he had been directly involved at the request of the governor or city, including Chairman Fallon's home city of Baltimore, but did not include the District of Columbia in the list. He explained:

Secretary Boyd. Now, my philosophy is one that I want to make very clear – as long as I am Secretary of Transportation, I expect to pursue this philosophy – that is that insofar as transportation in a city is concerned, the mayor and city council have a definite voice in what that transportation should be.

Mr. Fallon. I found that out in Baltimore.

Secretary Boyd. I have asked in every case where we have become involved in these local situations for the Governor to provide us with his views because I believe that, no matter what I happen to think about the wisdom or unwisdom on any particular design, location, or anything else, the people who are going to use it and live with it should have the final say.

He said the reason Chairman Fallon received complaints from State highway officials was that they "haven't bothered to get in touch with me":

One of the things that I must admit that scratches me a little bit is some highway officials in this country put out information about what I do and what I think which has no relation to the fact and they never come talk to me about it.

Representative Cramer asked Secretary Boyd for a list of cases where he overruled the State road agency regarding the location of the highway or related problems. Secretary Boyd submitted a list, noting that he excluded the District of Columbia because the committee was familiar with the situation. The four cases cited where BPR/FHWA rulings were preventing State proposals from fully advancing were:

- BPR required restudy of an 80-mile section of I-35 from Williams, Iowa, to Albert Lea, Minnesota. “The location ultimately approved was similar to that recommended by Mason City, Iowa.”
- FHWA requested additional study of the need for the Boston Inner Belt (I-695) after the State submitted its recommendation for a routing through Cambridge, which opposed the plan “This study is now underway.”
- BPR asked the Pennsylvania Department of Highways to abandon planning and right-of-way acquisition in Philadelphia for an interchange between the proposed Crosstown Expressway and I-95. “This expressway has been strongly opposed by Philadelphia officials because of displacement problems.”
- FHWA withdrew a 1958 BPR location approval and asked the California Division of Highways to recommend an alternative location for a 4.2-mile segment of I-280 in San Mateo County through watershed lands along Upper Crystal Springs Reservoir that were owned by the city of San Francisco. [pages 153-154]

When Airis testified on June 4, he discussed H.R. 16000 briefly and at greater length commented on issues associated with right-of-way acquisition, which he said was “one of the most crucial problems which affects the Interstate Highway System within the urban areas” He added that “one of the other aids in overcoming this relocation problem concerned with urban Interstate Freeways lies in the joint use concept of utilizing space over and under the freeways.” He mentioned the legislation the city was seeking and urged its adoption and said he supported fringe parking, but added that because it supported transit use, the facilities should not be funded out of the Highway Trust Fund. [pages 485-490]

Representative Robert C. McEwen (R-NY) asked Airis about a recent incident that closed Whitehurst Freeway. On the night of Thursday-Friday, May 30-31, the elevated freeway had been closed because a 216-foot high smokestack at the adjacent city-owned abandoned Capital Transit power plant had sustained a lengthy crack. Until the top of the smokestack could be removed, the danger that it might topple onto the freeway kept the road closed. The result on Friday was what a *Star* editorial called, “One of the worst traffic jams in anyone’s memory,” as traffic had to be diverted on an emergency basis to the Key and Roosevelt Bridges as well as onto M Street, Canal Road, and MacArthur Boulevard. On Saturday, a crane completed demolition of the smokestack around 1 p.m., allowing traffic to return to Whitehurst Freeway.

Airis told Representative McEwen that the closure of Whitehurst Freeway caused “some really magnificent and horrible traffic jams.” They demonstrated “that we really need some more bridge capacity across the river”:

What is happening now is we are running at capacity in the present bridges nearly all the time during any type of rush hour, and we had some really bad traffic jams all the time that we had the Whitehurst Freeway closed, except, of course, during the night hours.

Representative McEwen said he hoped “that those who think there is no need for additional crossings of the river and those who question the need of highways in this urban area will take a look at the result that flowed from the closing of this one artery, the Whitehurst Freeway.”

Airis agreed, adding:

Of course you compare this Nation's Capital here, where we have several bridges, but compared to Paris, they have 20-some bridges, and I have often pointed out that Paris is a beautiful city.

This dialogue was bringing Airis's testimony to an end. However, Chairman Kluczynski told Airis that, "I hope you do not think this legislation [H.R. 16000] is dead" because "we are planning to put the District roads into the highway bill." He explained, "I have been around a long time and I see no maneuvering on H.R. 16000." The President would probably veto a separate District highway bill, but if it were part of the Federal-Aid Highway Act of 1968, he would likely approve the bill regardless of any reservations he might have about the District freeway provision:

I assure you that the chairman and many members of the committee know that if you do not build the roads here in the District that money is going to go someplace else. I want it to go right here in the District of Columbia, where it belongs and that is why we are very interested in relocating these people, people who are opposed to this legislation. [pages 493-494; "The Crack That Closed A Freeway," *The Evening Star*, May 31, 1968; "Cracked Smokestack Razed, Whitehurst Freeway Is Open," *The Sunday Star*, June 2, 1968]

Later, he assured reporters that the Three Sisters Bridge would be in the bill. "Nobody's going to change my mind," he said, adding that, "95 per cent [of his House subcommittee members] will be with me." The bill also was likely to include the Potomac River Expressway, which was linked to the bridge, the North-Central Freeway, and East Leg of the Inner Loop Freeway. The *Star* pointed out:

Kluczynski seemed less enthusiastic about two tunnels contained in the original District highway plan. One would go under the Lincoln Memorial and Tidal Basin. The other would bridge traffic into the city under K Street. [Milius, Peter, "3 Sisters to Be Put in 'Veto-Proof' Bill," *The Washington Post and Times Herald*, June 5, 1968; Elder, Shirley, "A 'Veto-Proof' Order Sought on 3 Sisters," *The Evening Star*, June 5, 1968]

Secretary Boyd and his colleagues testified before the Subcommittee on Roads, Senate Committee on Public Works on June 5. They discussed the same issues as before the House subcommittee, again without discussing the District freeways; the subject was not part of the bills the Senate subcommittee was considering. Director Airis did not testify before the Senate subcommittee. [Federal-Aid Highway Act of 1968, Hearings Before the Subcommittee on Roads, Committee on Public Works, United States Senate, 90th Congress, 2d Session on S. 2888, S. 3381, and S. 3418, pages 155-184]

Planning for the District

During the early operation of the city council, Chairman Hechinger established committees on an ad hoc basis as needs arose. In May, he confirmed that councilmembers had decided to form standing committees. He declined to explain the decision, but the *Star* reported:

However, another source reported that ad hoc committees have not provided the continuity, the leadership or the force needed to make the body a more effective voice in the District government.

“The council has sometimes found itself naming two and three different committees on the same subject,” the source said. “Ad hoc committees tend to fragment power, even take away some power.

“The fear in the beginning – fears expressed mostly by the administration – was the individual councilmen serving as chairmen of standing committees would gain too much power and thus present too many problems to the administration. As things stand now, the ad hoc committees don’t have too much punch,” the source said.

While Chairman Hechinger worked to establish the committees, they could be put into effect by striking Section 21 of the council’s rules of procedures, which stated: “There will be no standing committees. From time to time the council shall sit as a committee of the whole.”

The city council established 14 permanent committees in early June, including:

- Committee on Highways and Transportation: Chairman Fauntroy and members Shackleton and Yeldell.
- Committee on Planning: Chairman Fauntroy and members Nevius and Shackleton.
- Committee on Housing and Urban Development: Chairman Nevius and members Fauntroy, Thompson, and Turner.

The council decided to convert two ad hoc committees to permanent:

- Committee on Citizen Information and Complaints: Chairman Shackleton and members Anderson, Thompson, and Yeldell.
- Committee on Consumer Affairs: Chairman Hechinger and members Anderson, Shackleton, and Turner. [Delaney, Paul, “Council Shifts To Standing Committees,” *The Evening Star*, May 6, 1968; “14 Committees Set Up By D.C. City Council,” *The Evening Star*, June 6, 1968]

On June 15, 1968, President Johnson named Philip G. Hammer, a white city planner, to head NCPC, replacing Chairman Rowe. The President also named James O. Gibson, a social scientist, to replace Walter Louchheim, whose term also had expired a year earlier in April. Both were members of the Potomac Institute, Inc., a nonprofit civil rights organization.

Hammer, a 54-year old native of Philadelphia, was president of urban consultant Hammer, Greene, Siler Associates. He had graduated from the University of North Carolina in political

science and economics, and received a Harvard master's degree in economics. He had been heavily involved in city planning since 1950 when he directed a committee that reorganized the governments of Atlanta and Fulton County, Georgia. His firm, which had an office that opened in 1954 at 1140 Connecticut Avenue, NW., had conducted studies for over 140 cities and metropolitan areas on housing markets, retail and commercial locations, land development, urban renewal and bond issues.

His wife, Jane Ross of Charlotte, North Carolina, was a national director of the Inner-City project and served on the board of directors of the education fund of the League of Women Voters. The Hammers, who had three sons, lived at 5152 Manning Place, NW., in the Palisades area near MacArthur Boulevard.

Gibson, a 34-year old African-American, had been born in Atlanta. He graduated from Duquesne University in Pittsburgh and did graduate work at Atlanta University in Georgia and Temple University in Philadelphia. After serving in the U.S. Army, he worked in civil rights organizations in Atlanta before moving to Indianapolis as program director of a settlement house named Flanner House. He also served as consultant to Mayor Richard G. Hatcher of Gary, Indiana, while continuing to work on ghetto problems.

He moved to the District of Columbia in 1964 to direct the Neighborhood Development Center No. 2, a Federal juvenile delinquency-prevention project. He joined the Potomac Institute in 1966, working on equal opportunity and civil rights issues.

He and his wife Kathryn, an art student at American University, lived at 2409 Ordway Street, NW., in Cleveland Park near Connecticut Avenue.

Outgoing Chairman Rowe said she knew Hammer and Gibson and "thinks they're great." She anticipated that they would continue what she considered NCPC's greatest accomplishment during her tenure: an emphasis on planning for people.

As the *Star* explained:

One of the largest tasks facing the planning commission is the completion of the comprehensive plan for 1985, which is supposed to be a detailed blueprint for housing and location of federal and private employment centers in the District.

Since 1962, the planning commission has been trying to decide on the 1985 plan, but has been delayed by disputes over freeway location and housing policies.

As noted earlier, the White House had delaying the appointments while it considered abolishing NCPC. However, the White House dropped the plan at the urging of Chairman Rowe, who argued, in the *Post's* words, "that the Commission has been the main bulwark against wholesale freeway construction here and has been instrumental in preserving the city's traditional character." The *Post* continued:

As for the freeway issue – which has sparked deep citizen emotions – many city officials are said to feel that opposition to highways could subside if proper protections are assured for those relocated, and if designs can be made less massive and geographically divisive.

These considerations would involve increased emphasis and expertise in developing methods of guaranteeing housing equity, and proven relocation protections. [Hornig, Roberta, “Johnson Names D.C. Planner National Capital Plans Chief,” *The Sunday Star*, June 16, 1968; Asher, Robert L., “Urban Experts Join NCPC; Mrs. Rowe, Louchheim Out,” *The Washington Post and Times Herald*, June 16, 1968]

Hammer told reporters he wanted NCPC to be a strong tool for Mayor Washington in facing community controversies, including the freeway disputes. His top priority would be “rebuilding the slum areas of Washington,” including the areas destroyed by the April rioting after the assassination of Dr. King. He was not a foe of all urban freeways, but believed that they must fit a city’s overall makeup and help solve social and economic problems. He sidestepped reporters’ questions about whether he opposed the District’s freeway plans, saying his position would depend upon a detailed study.

Gibson also wanted to strengthen the new city government. As for freeways, he declined to offer a position:

“The freeway controversy, Model Cities, rebuilding areas affected by the civil disturbances and the Fort Lincoln project – all these are important issues,” he said.

Asked about his position on freeways, he said, “It is necessary to guard against the kind of abuses the highways and freeways have represented in many places. I feel that this now is and will continue to be a very hot issue.” [“New Chairman Eyes Big Local Role for NCPC,” *The Washington Post and Times Herald*, June 18, 1968]

Hammer and Gibson took their oaths of office on July 11. Hammer said that planning for the Washington area “must be compatible with the federal interest.” He was concerned about the “problems of the Inner City – the social and economic problems of the ghetto.” He also was “concerned about the efficiency of this city, and other cities and how to make cities work.”

He said his consulting firm was involved in many Washington area projects, including an economic impact study for the North Leg of the Inner Loop Freeway. The firm had not done any work on the study or received payment for it, and he was considering whether to break the contract to free him for any decisions related to the subject. He said he would not vote, or participate in discussions, of any projects that his firm had studied. He also would avoid future contracts that might pose a conflict of interest.

The *Post* report concluded:

Commission members attended a ceremony at James Bryce Park, Massachusetts and Wisconsin Avenues nw., at which Interior Secretary Stewart L. Udall, National Park Director George B. Hartzog, Jr. and Mrs. Rowe planted a littleleaf linden tree honoring

the outgoing chairman. [Eisen, Jack, "NCPC Strengthens Ties to City Regime," *The Washington Post and Times Herald*, July 12, 1968]

Mandating the Freeways

The House Committee on Public Works completed work on the Federal-Aid Highway Act of 1968 on June 25 and issued its report on the bill, H.R. 17134. Section 22 of the committee bill added Section 313 ("Interstate routes in the District of Columbia") to Title 23, United States Code. It provided that notwithstanding "any other provision of law, or any court decision or administrative action to the contrary," the Secretary of Transportation and District were to construct, "as soon as possible after the enactment of this section," all Interstate sections described in the 1968 ICE. "Such construction shall be carried out in accordance with all other applicable provisions of this title." [Federal-Aid Highway Act of 1968, Report of the Committee on Public Works, U.S. House of Representatives, to accompany H.R. 17134, 90th Congress, 2d Session, House Report No. 1584, June 25, 1968, page 35]

The committee's report on the bill explained that, "The continued life of the city is dependent upon an adequate comprehensive transportation system." In Washington as elsewhere, "automotive transport is the Nation's major social and economic lifeline," with adequate highways needed. Construction of rapid rail transit was needed, too, but it would serve only a portion of the area's transportation needs. "The movement of goods and services in the area cannot be handled at all by the mass transportation system, nor can access to the area's airports"

The District's Interstate System has been planned and replanned over 20 years, but "most of it remains to be built." Meanwhile, the city had acquired much of the right-of-way and designed the routes "with the maximum possible consideration for community and aesthetic values."

As for critics of the freeway network, the report said:

The opponents of the Interstate System within the District of Columbia rely, for the most part, on emotionalism and outdated information. They are opposed, not to the building of specific Interstate routes within the District, but to the building of any new highway facilities within the District. The national and the economic requirements aside, safety consideration[s] alone preclude the dispersal of the traffic these routes will carry onto existing streets in residential areas, which is what the opponents of the Interstate System recommend.

The Department of Transportation, the report continued, had intervened in the controversy, but "backed out of it, leaving it to action by the city's government," which "is evidently unable to act to cope with the situation":

Quite obviously, the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area; the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act.

Section 22 required construction, as soon as possible, “of all routes on the Interstate System within the District of Columbia as set forth in the document entitled ‘1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia’”:

- The Three Sisters Bridge, I-266 (section B1 to B2).
- The Potomac River Freeway, I-266 (section B2 to B4).
- The east leg of the inner loop, I-295 (section C2 to C4).
- The east leg of the inner loop, I-295 (section C4 to C6).
- The center leg of the inner loop, I-95 (section A6 to C4).
- Interchange C, I-695 (section A5.1 to A5.2) and I-295 (section A4 to C2).
- The Northeast-North Central Freeway, I-95 (section C7 to C12).
- The Northeast Freeway, I-95, (section C12 to C13).
- The North Central Freeway, I-70S (section C1 to C2)(table E-2).
- The south leg of the inner loop, I-695 (section B1 to B6).
- The north leg west section of the inner loop, I-66 (section A3.3 to A3.11) and the north leg central section of the inner loop, I-95 (section C4 to C7).

Regarding the Three Sisters Bridge, the report stated that “immediately upon completion of construction of that facility, the Highway Department of the District of Columbia [must] relinquish to the National Park Service the right-of-way through Glover-Archbold Park that it presently holds.” [“Federal-Aid Highway Act of 1968,” pages 17-18]

Section 23 of the bill added a chapter 5 to Title 23 on “Highway Relocation Assistance” consistent with the Administration proposal but limited to Federal-aid highway projects. The report on Section 22 stated:

Relocation assistance provided in H.R. 17134 as here reported should be helpful in relieving most of the remaining problems with respect to certain other routes. [“Federal-Aid Highway Act of 1968,” pages 19-22]

Section 22 provoked a lengthy dissent from Representatives McCarthy, Schwengel, and Jerome R. Waldie (D-Ca.) urging deletion of the provision. They elaborated on five reasons for their opposition:

Section 22 Violates a Rules of the House Governing the Jurisdiction of This Committee and Creates A Precedent for Pork-Barrel Highway Legislation.

They referred to the 1913 creation of the House Committee on Roads. A Rules Committee resolution on the committee’s jurisdiction stated:

Provided, That it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

The purpose of this provision was that “Members would not be permitted to load it down with specific roads,” as the first chairman of the committee, Representative Dorsey Shackelford of Missouri, explained. On June 2, 1913, the House consented to the resolution without a recorded vote, thereby agreeing to creation of a Committee on Roads. [Committee on Roads, *Congressional Record-House*, June 2, 1913, pages 1856-1860]

Even though Section 22 did not name the specific roads, it did so by citing the 1968 ICE, which did identify them:

It is impossible to conceive of any more specific provision for specific roads in a bill providing general legislation in relation to roads.

Members of Congress lack the planning and engineering expertise to have the last word on the necessity, desirability, location, and design of interstate highways. These decisions were wisely left to local governments and local experts under the Federal-Aid Highway Act. Federal and State highway administrators have worked together for decades to create [a] professional partnership in implementing the greatest public works program in highways. But it is a partnership, not a dictatorship. If highway controversies were resolved in Congress through the device of amendments to the Federal-Aid Highway Act, this partnership would be destroyed and the interstate highway program would be undermined. [page 53-54]

The minority cited the second reason for their dissent:

Section 22 Would Sanction a Program Which Has Been Illegal Almost From Its Inception and Which the U.S. Court Of Appeals Has Excoriated and Enjoined.

The Congressmen were referring to the U.S. Court of Appeals’ ruling on February 15, 1968, enjoining the District of Columbia from constructing four major highway projects until it complied with the 1893 District law on highway development. The former District government had wanted to proceed without regard to the 1893 requirements, such as its hearing requirements, but “the present District government has taken a completely different view”:

It has noted that these projects are widely opposed throughout the community. Therefore, the incumbent District government has formally notified this committee that it strongly opposes the proposed section 22 on the ground that this action would deprive the citizens of the District of Columbia of any opportunity “to participate meaningfully in the city’s decisions regarding development of highways affecting their vital interest.”

They referred to Deputy Mayor Fletcher’s April 18 letter informing Chairman Fallon that “the government of the District of Columbia strongly recommends” against enactment of the Kluczynski bill:

The committee is also aware that the District government has proposed an alternative legislative solution designed to allow democratic procedures in the highway planning process. This committee has not even held hearings on this alternative to the proposed section 22. Instead, the proposed section 22 would direct the immediate construction of

these widely criticized highway projects without even pausing to consider either the views of the District of Columbia government or the citizens which it represents. It is hard to conceive of action more conducive to disrespect for the law in the District of Columbia than legislation which disregards and destroys the longstanding right of the people of the District to participate in the planning of highways in their city, a right which a Federal court upheld only a few months ago.

Their third point was:

The Drastic Effects of the Proposed Highway Program in the Nation's Capital Will Desecrate the City and Gravely Harm Its Businesses and Its People.

The recent hearings "show that the District's highway program has become a Frankenstein monster which devours far too great a proportion of the District's limited land and financial resources."

Since 1940, the city had spent about \$500 million on new highway construction. Some of the construction was useful, "but much has been overly destructive of homes, businesses, parks, and the best features of decent life in the city. Continuation of this course will bring civic disaster."

The city had lost one-third of its population since 1940, with highways and parking lots replacing row houses – leading to a desperate housing shortage. "More than 60 percent of the central business district is now devoted to highways and off-street storage of motor vehicles." About 30 percent of city land was preempted by highways, while only 35 percent was privately owned, tax yielding property. The sprawl was prompting businesses to move to the suburbs:

In return for its investment, the city has received increased smog, more traffic fatalities, a drastic loss of patronage in its public transit system, an ever-worsening housing crisis, and permanent scars on residential neighborhoods and monumental areas where older highways have been widened or new highways forced through to make room for more auto commuters.

In the National Capital Transportation Act of 1960, Congress rejected the highway plan proposed by the 1959 Mass Transportation Survey (MTS). Now, Section 22 proposes to force construction of moreorless the same plan Congress had rejected.

Since release of the MTS and its congressional rejection, the District's problems had only worsened:

The plain and unvarnished fact is that the highway program will, as the Senate Committee said when it reported the NCTA legislation in 1960 (S. Rep 1631, 86th Cong., p. 5), "wreck the city – it will demolish residential neighborhoods, violate parks and playgrounds, desecrate the monumental portions of the Nation's Capital, and remove much valuable property from the tax rolls." Many thousands of District families will be unnecessarily displaced, and the burden of this forced dislocation will bear heaviest, and cause untold hardship, on low-income and middle-income families. The majority of these

families will be nonwhite, and the difficulties they would have in obtaining substitute housing are well known.

The city already had a waiting list of thousands for public housing. Even the enlightened right-of-way acquisition measures in H.R. 17134 were not sufficient because the relocation assistance “will not solve the housing shortage [in the city] or make the refugees from Washington’s freeways more welcome in the suburbs.”

Fourth, the minority report argued:

The Proposed Highway Program Is Totally Lacking in Planning Justification. It Is Overexpanded And Unnecessary. The Expenditures It Will Require Are Wholly Unjustifiable, Especially in These Days of Budgetary Stringency.

Major highway plans since 1940 were based on the premise the city would address its transportation needs with highways. That concept changed with development of plans for the Metro system. “It is obvious, however, that the highway program now being proposed openly mocks and repudiates these planning decisions.” Most of the freeways added since 1960 were radial highways that would serve only suburban commuting needs in direct competition with the planned Metro lines.

The District Highway Department had not provided “sound and detailed justification for the highway program” to the committee. “The reason for that failure is not hard to find.” Here, the three Congressmen cited the Arthur D. Little report’s analysis of traffic projections:

Because of basic deficiencies in data and traffic forecasting techniques, and because transportation planning has been “carried out with inadequate regard for long-range economic and social impact” (p. x), the Little report recommended that the District government “delay action on all proposals for extending the District’s freeway network until the highway plan has been reexamined” (p. xi). The recommendations of the Arthur D. Little report should have been followed. They were not followed. There was no valid reason or justification for not following them.

Finally, the Congressmen wrote:

The Highway Plans Are Widely Opposed by Virtually All Elements of The Community.

The “singular and overriding” fact the hearings revealed was “the unanimity of civic opposition to the present District of Columbia highway program”:

Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on other public issues stood shoulder to shoulder in opposition.

This opposition was initially limited to the city’s northwest quadrant, leading to the prohibition on freeway construction included in the National Capital Transportation Act of 1960, since extended. The predicted negative consequences of the prohibition had not proven to be correct:

Even though there has been no major arterial highway improvement west of Rock Creek or north of M Street since 1950, the predicted “strangulation” and “blight” from traffic growth has not materialized in this area. Growth in vehicular traffic in the northwest quadrant during the past decade has been virtually nonexistent. This area alone has not suffered material losses in transit patronage. And, contrary to claims that such a “do nothing” policy on highways would cause deterioration of property values, the tax appraisals in this area increased 14 percent between 1960 and 1965 compared with an increase of 18 percent elsewhere in the city.

They referred to the “unanimous opposition from civic groups” during the hearings on H.R. 16000:

This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by “killing” freeways. The numerous hearings by the House District Committee since 1958 on Washington’s knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhood, their city, and their taxes. Such opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

The three Representatives concluded the minority report:

Transportation determines the fabric and character of our cities. Transportation facilities can serve or dominate the people who live in them. Transportation planning can enforce separation of the races or encourage freedom and mobility. Above all, decisions concerning transportation must reflect the needs and desires of the people who are affected by them. Congress should not thrust an unwanted interstate highway system upon the people of the District.

Section 22 of H.R. 17134 would create a dangerous precedent. It would overturn a court decision in order to impose upon the people of the District an overexpanded [sic] highway system that is harmful to the nation’s Capital socially, economically, and aesthetically, a highway program that lacks both planning justification and essential community support.

We urge that section 22 be deleted from H.R. 17134.

Post editors applauded the Public Works Committee’s action in ordering the District “to go ahead with its controversial freeway network without further wrangling”:

At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.

The freeways must “be carefully integrated” with the new rail rapid transit system, but even if that system fulfills all “the great expectations associated with it . . . this rapidly growing city will

need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.”

Changes in right-of-way acquisition procedures in the bill, including higher relocation payments for families and businesses, were especially helpful in being able to address concerns in the District:

Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.

Congress had been slow to apply the “just compensation” concept included in the 5th Amendment to the Constitution to the highway program. The editors concluded that “the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.” [“D.C. Freeway Network,” *The Washington Post and Times Herald*, June 21, 1968]

Another provision of the bill, Section 17, addressed preservation of park lands in an attempt to reconcile Title 23, United States Code, Section 138 (“Preservation of parklands”) and Section 4(f) of the Department of Transportation Act of 1966. The two provisions were similar, but Section 138, introduced in the Federal-Aid Highway Act of 1966, had been watered down during congressional consideration. After declaring a national policy in support of preserving parklands and historic sites, it provided:

The Secretary shall cooperate with the States in developing highway plans and programs which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless such program includes all possible planning, *including consideration of alternatives* to the use of such land, to minimize any harm to such park or site resulting from such use. [Italics in original]

By contrast, Section 4(f) prohibited the Secretary from approving any transportation project affecting parks, historic sites, recreation areas, or wildlife and waterfowl refuges unless no feasible and prudent alternative to the use existed and “all possible planning to minimize harm” to the site had taken place.

The House report on the 1968 Act stated that “it is the committee’s opinion that the language of section 138, titled 23, as basic highway law, should be controlling.” Section 17, therefore, conformed the language. Parks, historic sites, and the other cited areas “have very real value”:

No rational person would suggest, however, that that value is the only one to be considered in a judgment as to the best public interest. In weighing alternatives for highway location, equal consideration must be given to other factors – to whether people will be displaced; to whether existing communities will be disrupted; to whether the established demand for adequate transportation facilities for people, goods, and services will be met; and to the preferences of the people of the area involved. Preservation for

use is sound conservation philosophy, and it is in that perspective that both section 138 and section 4(f) should be administered. [page 12]

The committee endorsed the “consideration of alternatives” standard.

As Representative McCarthy pointed out in an additional views statement objecting to Section 17:

What does it mean when an engineer states that he has “considered” an alternative? It could mean he has given all of 5 minutes thought to an alternative but remains firmly convinced that the route through a park is best because it is the straightest line or requires the least land acquisition. Such attitudes have been advanced in some cities, such as New Orleans, San Francisco Washington – and such attitudes have helped magnify the opposition to urban freeway construction. [page 63-64]

Senate Committee Action on the 1968 Act

On June 22, Director Airis appeared before the Senate Appropriations Subcommittee on the District regarding the District’s FY 1969 appropriations act. Senator Proxmire conducted the hearing in the absence of the subcommittee chairman, Senator Byrd.

Airis endorsed the District freeway measure in the House Public Works Committee’s Federal-Aid Highway Act of 1968. He charged that freeway actions were being based on too many “political decisions,” instead of the “sound engineering principles” that should govern them. The U.S. Court of Appeals ruling distressed him, but he said the House bill would “overcome this legal hurdle” and allow the city to get back to work on the four facilities that were the subjects of the ruling.

He was particularly critical of the Department of Transportation. In the spring of 1967, Secretary Boyd had undertaken a review of the Three Sisters Bridge and, in December 1967, had promised to involve the area’s three highway departments. Based on Secretary Boyd’s statements, Airis had expected local officials to be involved in the department’s decisions:

The highway departments of Maryland, Virginia and the District of Columbia are all vitally concerned if the Secretary is really contemplating changes in long established routes. [But] insofar as we can determine, neither the secretary nor his principal aides have consulted any of the three departments on this question.

We fear that the trend is toward making all decisions on the District’s freeway system on the basis of political expediency.

Further, “unless our engineers and planners are brought into the review process, it is difficult to understand how the Secretary of Transportation can arrive at responsible decisions.” If this communications gap continued, the results would be a “chaotic transportation situation.”

As an example, he cited redevelopment of the city’s southwest quadrant. “Gigantic traffic generating facilities” were under construction in the form of Federal office buildings that would

employ 95,000 people. He also cited housing developments and a Department of Defense building in the Bolling-Anacostia area, construction in Foggy Bottom, housing and other construction at the National Training School site, the Visitors Center at Union Station, and the Southeast Federal Center in the vicinity of the Navy Yard. Without the planned freeways, traffic would be forced onto residential streets where it would endanger children. "Traffic conditions on the city streets will become chaotic."

Senator Proxmire asked about opposition from citizens in the path of the freeways. Airis replied, "Here it's been a little more vociferous than anywhere I've been." The right-of-way provisions in the House bill, along with the enhanced relocation payments, would help. As for those who thought the freeways should be held up until the rail rapid transit system was in place, he said that "each system of transportation should stand on its own feet" and not be pitted "one against the other."

Despite Airis's support for the House provision, a spokesman for the Senate Public Works Committee told reporters that the committee would not include a comparable measure in its bills on the Federal-Aid Highway Act. After the House and Senate pass their bills, the spokesman said, the issue "probably will be decided in conference" while working out a compromise bill. [Grigg, William, "D.C. Warns on Freeways," *The Sunday Star*, June 23, 1968; Asher, Robert L., "D.C. Roads Chief Supports Finishing Freeways Here," *The Washington Post and Times Herald*, June 23, 1968]

As predicted, the Senate Committee on Public Works did not include a provision on the District freeway controversies in its bill, approved on June 28, but at Senator Tydings' initiative, the Senate committee's bill included a Title III—the District of Columbia Parking Facilities Act. This measure was substantially identical to the Tydings bills the Senate had passed in three previous years. Title III would create a Parking Board and a Parking Advisory Council. The board would consist of the District Commissioner (mayor) and the chairman and vice chairman of the city council. The council would include 11 members representing government and the public, with an appointed administrator.

The Parking Board would acquire property for the operation of off-street parking facilities. It would have the authority to condemn properties, but could not use the authority to acquire existing parking facilities except to enlarge them. The board could build and operate parking facilities, lease property for development of parking facilities, and lease or sell parking facilities.

In addition, the board, in cooperation with agencies and local governments, could establish fringe parking lots in the area, including outside the District. It also would control parking meters in the city.

Title III authorized the board to finance its operations by issuing and selling tax-exempt revenue bonds, limited to \$50 million at any point, that would not be guaranteed by, nor in any way obligations of, the Federal or District Governments.

Another provision in Title III required that buildings constructed in the central business district include parking facilities on or off the premises. The Zoning Commission could waive this

requirement if a property was too small for parking or if parking facilities would interfere with the flow of traffic. In that case, however, the owner would make a comparable payment to the board.

The Parking Advisory Council would make periodic comprehensive reports on parking and advise the board on its role in the balanced transportation system. [“Federal-Aid Highway Act of 1968, Report of the Committee on Public Works, United States Senate, 90th Congress, 2d Session, Report No. 1340, June 29, 1968, pages 35-36]

The committee also addressed the contrast between the strict language of Section 4(f) and the less binding Section 138 of Title 23. The committee left Section 4(f) and Section 138 in tact:

The committee is firmly committed to the protection of vital park lands, parks, historic sites, and the like. We would emphasize that everything possible should be done to insure their being kept free of damage or destruction by reason of highway construction. The committee would, however, put equal emphasis on the statutory language which provides that in the event no feasible and prudent alternative exists, that efforts be made to minimize damage. To that end, the amendment contained in section 114 of S. 3418, as reported, which would expand the definition of “construction costs,” should be helpful.

Under the bill, definition of “construction costs” in Title 23, United States Code, Section 101 (“Definitions and declaration of policy”) would be expanded to include “the costs of adjustments to reduce adverse economic, social, environmental and other impact caused by a project.” In changing the definition, the committee recognized the importance of protecting the areas covered by Section 4(f)/Section 138, but “there are other high priority items which must also be weighed in the balance”:

The committee is extremely concerned that the highway program be carried out in such a manner as to reduce in all instances the harsh impact on people which results from the dislocation and displacement by reason of highway construction. Therefore, the use of park lands properly protected and with damage minimized by the most sophisticated construction techniques is to be preferred to the movement of large number of people. [pages 18-19]

Two members offered their individual views. Senator Spong, who was perennially dissatisfied with delays in regional highway construction affecting Virginia, said he regretted that the bill did not cover certain highway projects in the Washington area. The situation had “reached a stalemate, and congressional action is a necessity.”

He was particularly interested in the Three Sisters Bridge. The bridge was “essential to the proper development of Dulles International Airport,” which was planned with the bridge in mind and would “remain relatively idle while Washington National Airport will become even more congested” without the bridge.

To clear up “the clouded authority of District officials,” he recommended an authorization to permit construction of the bridge, the Georgetown waterfront highway, the Maryland section of

the George Washington Memorial Parkway, and completion of the Center Leg through New York Avenue to Brentwood Road and the East Leg from 11th Street to a point just south of East Capitol Street. [page 47]

Senator John Sherman Cooper (R-Ky.) strongly supported the committee's bill, which he considered "one of the most constructive measures to be recommended to the Senate during my service on the committee." However, he had heard that the Senate might consider an amendment to advance the District's freeway system:

This is a complex and difficult subject, involved in controversy; the committee has held no hearings on it. I have stated my belief that we should not enter this field, for the location and planning of highways is not within the competence of the committee of the Congress. The policy of reserving to the States and affected local jurisdictions the determinations of highway planning and route locations has proved to be a wise one.

If the Committee wished to get involved, Senator Cooper urged hearings to receive testimony from the District, planning bodies, and FHWA. [pages 48-49]

Congressional Action

With House and Senate votes pending on the 1968 Act, the *Post* and *Star* supported Section 22 of the House bill.

The *Post* called the stalled projects "essential to give this city a modern transportation system." The planned rapid transit system was needed, too, of course, but even if it "fulfills the great expectations associated with it," the city would still need "these minimal highway projects to reduce congestion and keep heavy traffic off residential streets." The other provision in the bill for just compensation for highway relocatees made Section 22 even more desirable. Still, the *Post* said:

At this point many objective observers find it impossible to believe that any law will end the dispute.

The *Star* saw Section 22 as ending "the ridiculous controversy over Washington freeways." The views of the three dissenting members of the Committee on Public Works suggested a floor fight over the provision. However, their arguments "have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them." Any "unbiased forum" would reach the same conclusion as the committee that "a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system." ["District of Columbia Freeway Network," *The Washington Post and Times Herald*, June 21, 1968; "Congress Must Act," *The Evening Star*, June 30, 1968]

The Senate approved its version of the 1968 Act on July 1. Because the Senate Committee on Public Works had not included a comparable measure in its bill, the District's freeway controversy was discussed only briefly during the floor debate. Majority Leader Mansfield raised the issue to register his views on the Three Sisters Bridge:

Not being a highway engineer, I am not fully informed as to all of the technical factors that pertain to the selection of routes for highways and bridges. I am nevertheless not persuaded that the Three Sisters Bridge is the only solution to traffic problems in this area.

As in the past, he explained his concern that the bridge would “pose a permanent threat to Glover-Archbold Park”:

The Secretary of Transportation also testified last December that “the major justification for the Three Sisters Bridge involved its tying into two major corridors of traffic, one an intermediate loop.” Plans for an intermediate beltway through the length of Glover-Archbold Park are not now being actively promoted, but construction of the bridge would revive them.”

After discussing his objections to the bridge, he noted that a provision similar to Section 22 was not included in the Senate bill. “I hope that any such provision can be taken out of the House bill in the conference.”

Senator Case agreed. Section 22 was “just another effort on the part of those who would destroy the parks of this city and use them for purposes other than parks.” [*Congressional Record-Senate*, July 1, 1968, pages 19548-19549]

On a related topic, Senator Ralph W. Yarborough (D-Tx.) said the Senate bill was important for what it contained, but also for what it did not contain. It did not contain the change the House Public Works Committee had proposed to resolve the differences in the comparable Section 4(f) and Section 138. He had sponsored Section 4(f) and its earlier legislative variations, he said, as far back as 1958. Now, he saw that the House was proposing to take “from the Secretary of Transportation his authority to protect our parklands and our historical sites.” He applauded the Senate Public Works Committee for reaffirming the national policy. [pages 19549-19550]

Senator Henry M. Jackson (D.-Wa.) also raised the subject, pointing out that under the House bill, officials “would merely be required to ‘consider’ alternatives”:

It is highly important, in my judgment, to carry on the previously expressed intent of Congress on this question of the balance that must be struck between expanding transportation systems and the preservation of our public parklands.

He introduced a letter from Secretary Boyd dated July 1 to House Speaker McCormack about the House bill. It addressed several provisions of the House bill, including the provision modifying Section 4(f) by substituting the Section 138 language:

[The] Department opposes the proposed amendment at this time – little more than a year after the effective date of section 4(f). The Department is aware of no problems which have arisen in the course of administering the present language, nor does the Committee Report refer to any. We think the present language of section 4(f) is a clear statement of the Congressional purpose. Accordingly, there would appear to be no reason to amend it at this time.

With Senator Randolph's support, Senator Jackson proposed to amend Section 138 to adopt the Section 4(f) language. The Senate approved the amendment without a roll call vote. [pages 19529-19531]

(Secretary Boyd's letter to Speaker McCormack did not address Section 22 regarding the District freeways.)

Senator Spong introduced and the Senate adopted an amendment that authorized the District of Columbia to participate in the Highway Relocation Assistance program. He also introduced an amendment authorizing the District Commissioner (mayor) to transfer land to the Interior Department as replacement for park, parkway, and playground lands transferred to the District for public purposes. Senator Spong explained that the point of the amendment was to "aid in highway construction in the District of Columbia." The Senate adopted the amendment. [pages 19532-19533]

Finally, the Senate approved the bill without a recorded vote. [pages 19552]

On July 1, the House of Representatives began considering the Federal-Aid Highway Act of 1968. As the House reviewed provisions of the bill, Representative McCarthy took the House floor to express his concerns:

Section 17 would substitute for the standard "no feasible and prudent alternative" a vague requirement that planning include "consideration of alternatives" to the use of land in a park, recreation area, wildlife or waterfowl refuge, or historic site.

What does "consideration of alternatives" mean? How much consideration to what kinds of alternatives? The amendment might permit a highway engineer to glance at an alternative to a proposed highway – an alternative that is more costly but does not slice through a park – and rejecting the alternative use of parkland will keep down his acquisition costs. Section 17 is totally inconsistent with the intent of Congress to preserve and enhance this Nation's countryside by providing an explicit standard to guide the Secretary of Transportation's decisions. It should, therefore, be rejected.

Next, he turned to Section 22, stating the arguments in the additional views appended to the Public Works Committee's report. It would, he said, "establish a precedent for forcing urban highway construction over the opposition of local citizens and local governments." Citing controversies in other large cities, he said, "None is more bitter than the highway controversy in the Nation's Capital." Citizens battled District officials for a decade, but the new city government was trying to give citizens "opportunities for greater participation in making decisions about the highways that affect them."

In approving the Interstate System, Congress did not intend to "overrule local decisions concerning the necessity, desirability, location, and design of Federal-aid highways." That was, however, precisely what Section 22 did:

If this section is enacted, it will become a precedent for a rather simple solution to urban freeway controversies. Each time a cost estimate is made, we shall be overrun by State

highway officials who seek special legislation to overcome opposition to their urban freeway proposals back home. There is no reason why the Congress should legislate specific highway plans for the District or any other State.

He pointed out that the District's freeways had never received the public hearing required by the February court ruling, but Section 22 denied citizens their right to be heard. Still, the near unanimous rejection of the plans was well documented. The 3-days of hearings in April by the Subcommittee on Roads "demonstrated that most of the people of the District want a voice in the planning process, not a moratorium on highway construction. He also cited the vote during the May primary in which "Democrats voted 19 to 1 to oppose freeway construction unless the plans are submitted for popular vote in a referendum."

Section 22 ignored the District government's proposal to enhance citizen participation in the planning process and the city's objection to the measure. The District, he said, had proposed an alternative designed "to enhance democratic procedures in the highway planning process":

Because section 22 would depart from the democratic process, the District government strongly recommended against its enactment. There is no reason why these decisions cannot be made by the people of the District of Columbia and their government. There is no overriding national interest involved that calls for congressional intervention at this time.

Transportation presented hard choices that were vital to any city. He quoted Secretary Boyd:

Before a city can decide what kind of transportation it needs, it must decide what kind of city it wants to be. It must decide what kind of life and work and recreation it wants to offer its citizens.

Representative McCarthy said that the highway plans that Congress would force on the District of Columbia "would mutilate the Nation's Capital and gravely harm its businesses and its people." The plans "would commit the city of Washington to an auto-dominant transportation system for the foreseeable future."

He pointed out that Secretary Boyd had called the North-Central Freeway a "tremendously expensive and inadequate artery." Secretary Boyd also had said of the Three Sisters Bridge that it simply transferred the traffic jam from one side of the Potomac River to the other. Representative McCarthy recalled that Director of Public Roads Turner had "characterized the proposed South Leg tunnel under the Lincoln Memorial grounds as a 'cannon' which will literally fire three lanes of traffic at three lanes already on the Southwest Expressway":

On the basis of this testimony alone, we should hesitate to direct the District to construct these highways as soon as possible.

In conclusion, section 22 would be a precedent for imposing controversial highways on protesting citizens in cities throughout the country and would seek to eliminate democratic planning procedures for the very highways that have the greatest impact upon the people of the District. The highway plans to which section 22 refers lack essential

support in the community and in the District government. They are excessively damaging to the Nation's capital. For these reasons, section 22 should be stricken from the bill. [Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 1, 1968, pages 19409-19411]

Representative Gude spoke briefly in support of Section 22. After spending \$20 million on planning for the freeway network, he said, the time had come to begin construction:

There is broad support for a freeway network balanced with a mass transit system and other components of a modern transportation system, such as fringe parking and utilization of air rights. If we fail to provide an adequate balance of expressways and mass transit the suburbs of Metropolitan Washington will flourish along the beltway and other expressways while the core city will deteriorate and decline.

He asked permission to reprint the supportive editorials from the *Post* and *Star*. [page 19411]

On July 2, Representative McCarthy introduced his amendment striking Section 17, which would "discard a meaningful and effective conservation policy and substitute a meaningless and vague admonition." Section 17 "would give the highway engineers and others virtual carte blanche if they chose to go through any park, national park, recreational area, wildlife area, or whatever" Referring to Senate support for Section 4(f), he said, "I do not know why this body should be the anticonservation body, when the other body yesterday felt so strongly that they actually were redundant." The House completed its work on July 2 without voting on the amendment to strike Section 17. [*Congressional Record-House*, July 2, 1968, pages 19756-19758]

Before debate on the bill began on July 3, Representative Gude pointed out in extended remarks, that time for debate of amendments would be limited. Therefore, he wanted to call his colleagues' attention to the *Post* and *Star* editorials he had introduced into the record on July 1. They were in "full support of the projects for the District of Columbia and have stated very precisely the reasons why we should enact a highway system for the District of Columbia as proposed by this legislation."

Representative McCarthy asked Representative Gude if he would "accept the idea that these newspapers are not completely disinterested in this matter?" As a former newspaperman, he understood that the newspapers were interested in the city "and the newspapers which they sell and which are delivered by truck."

Representative Gude responded that both newspapers "have a great compassion and interest for the inner city of Washington and for the problems which exist in this area." As for special interests, they can be found in any field, including the construction of rail facilities and underground facilities for mass transit. In his opinion, "a great deal of this depends upon whose ox is gored." The fact that these two "respected national newspapers" support Section 22 "merits our most careful consideration."

Representative Machen, also in extended remarks introduced due to the rule on limited debate, stressed the importance of Section 22. It would "break this logjam and obtain a balanced

transportation system for the city of Washington, D.C., before it is too late.” After Secretary Boyd “stopped a freeway program that had been approved by all agencies responsible for the highway program, including those in Maryland and Virginia,” the four Representatives from the adjacent area had met with “all interested parties . . . to resolve the question.” He urged his colleagues not to strike Section 22. [The Federal-Aid Highway Act of 1968 As It Affects the District of Columbia, *Congressional Record-House*, July 3, 1968, pages 19913-19914]

The debate on July 3 began with Representative McCarthy’s amendment to delete Section 17. Representative Cramer, the pro-highway member of the Committee on Public Works, offered an amendment to the amendment. It inserted “federally owned” before the list of protected facilities in Section 4(f) and called on the Secretary of Transportation to reject projects unless “such program or project includes all possible planning, including feasible and prudent alternatives to the use of such land, to minimize any harm to such park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use.”

Representative Cramer considered his amendment a “home rule, States rights” provision. Section 4(f) applied to “every county, city, and local community, park, recreation area, fishing area, estuarine area, and so forth.” His amendment would limit the provision to Federal facilities. After some discussion, the House adopted the Cramer amendment to the McCarthy amendment, then adopted the amended McCarthy amendment. [Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 3, 1968, pages 19914-19917]

After the House considered other provisions, Representative McCarthy offered his amendment striking Section 22. He briefly restated his arguments from the House Report and his comments on July 1.

Chairman Fallon dismissed these arguments. They were the same arguments that had been “used throughout this country by people who are just against construction of the highways.” Based on his committee’s hearings, he said:

Not only is the interstate program at a complete stalemate in the District but furthermore a cloud has been placed over the entire highway program in our Nation’s Capital.

The February court ruling, which applied to only four projects, “in reality, stopped all highway construction in the District” because of “a technicality included in an outdated 1893 law” that had been enacted “before the birth of the motor vehicle.”

Congress had ample precedent in intervening in Washington area transportation facilities, having passed special laws in recent years for construction of the Woodrow Wilson Memorial Bridge, the Theodore Roosevelt Bridge, and the new 14th Street Bridge. He urged his colleagues to retain Section 22 in the final bill:

Rather than destroy our Nation’s Capital, this sorely needed interstate highway program in the District will enhance this city’s transportation system.

In extended remarks, Representative Machen supported the District provision, which would guarantee that the city “will have a balanced transportation system of freeways and rapid rail

transit.” The delays in the city were affecting the surrounding counties, where “many freeway projects in the suburban areas are being held up because of the continuing controversy and agonizing among some District citizens over the freeway system.”

Further, he specifically blamed Secretary Boyd for the impasse:

It took only one unilateral action by the Secretary of Transportation to cause the chaos that we are now attempting to correct. It is unfortunate that this public official listened to a handful of vociferous critics, and not to the broad spectrum of community interests who, in a responsible manner, have approved the balanced system. This public official has flown in the face of the responsible and responsive leaders of this community, including the major daily newspapers which have editorially spoken out for the balanced system

[It] is time for Congress to break the logjam on the District of Columbia freeway system. It is a tragedy that this problem has reached the point of congressional intervention, but we are acting on it and the District of Columbia freeway system shall be completed as planned so the balanced transportation can become a reality as soon as possible.

Section 22 was the result of an unfortunate situation:

It is, indeed, tragic that we in the Congress, as area Congressmen, have to come down here and ask all of you to break a logjam, where millions of dollars have been spent, and roads stop at the District line. It is tragic that we cannot complete this balanced transportation system that would help all of us.

Representative Broyhill also supported Section 22. He regretted that Congress had to intervene, but “the committee had no choice” in view of “all the procrastination and delay” in the city:

These programs and projects have been delayed for 22 years. We have had more than 26 separate studies, costing more than \$20 million of the highway system in the National Capital area.

He particularly endorsed the Three Sisters Bridge, which he said was vital for the success of Dulles International Airport. He saw the District fight this way:

The situation seems to boil down to a conflict between the dreamer-planners who envision tree-lined boulevards for Washington with only a few sightseeing minibuses or even horse-drawn carriages in sight, as opposed to the practical people who must provide for movement of people and goods. I am afraid our new Department of Transportation has too many of the former group on its staff.

Chairman Kluczynski told his colleagues that Section 22 “is absolutely essential to the future well-being of the Nation’s Capital.” Most of the land for the freeways had been purchased. For example, he said that on the North-Central Freeway fewer than 500 people, about 122 families, “remain to be relocated.”

He rejected the notion that the U.S. Court of Appeals opposed the freeways. The three judges had “very emphatically stated that they did not take issue with any of the projects involved, but only with the procedures.” Congress, in turn, had “appropriated money for it every year for years.” It also had supported rail rapid transit, which was essential for the freeway network to work effectively.

Critics suggested that the freeways would cause people and businesses to leave the city:

What is true – and this is the most important part of this whole controversy – is that if these highways are not built, both families and business, and particularly business, will be moving out and Washington as a living, operating city will cease to exist If Congress does not act, and approve section 22, we will have for all intents and purposes destroyed Washington, because as I understand the situation, the construction of the mass transit system is dependent upon progress in constructing a truly comprehensive transportation system for the District, including its highways

I believe in this country, and in the magnificent Capital City we have. I would like to keep it living and growing and moving ahead, and I think that is what my fellow Members want, too.

Representative Gude defended Section 22, clarifying that neither Archbold-Glover Park nor Rock Creek Park were involved at all. He pointed out that Maryland commuters had to employ “double-crossing,” which he defined:

For instance, the people from Montgomery County cross over into Virginia and come down the Virginia side of the Potomac and ultimately cross the river again to the District of Columbia.

The availability of freeways/parkways into the city on the Maryland side of the river would end “double-crossing.”

He also pointed out that in the absence of freeways, commuter and truck traffic was using neighborhood streets:

Under these conditions in many instances the highway engineers can do nothing except to widen the streets, chop down trees and tear up the lawns. Now, is that making for a more beautiful and finer Washington?

Representative McCarthy pointed out that “what really is at stake is a much broader concept than even the District of Columbia faces.” The question was “what are we going to do about transportation in the 20 or 30 largest cities in the United States of America.”

The House rejected the McCarthy amendment without a recorded vote. [pages 19919-19924]

Later that day, the House approved the Federal-Aid Highway Act of 1968 by voice vote. The bill included the Cramer amendment limiting Section 4(f) to federally owned resources. It retained

Section 22 to force construction of the District freeways but dropped the Senate's Title III authorizing creation of a District parking authority.

The bill also extended the time for completing the Interstate System to June 30, 1974, a 2-year extension that provided for completion in a total of 18 years. The Administration had proposed the change. The Administration also had proposed, and the House approved, using the 1968 ICE to apportion Interstate funds for FYs 1970 and 1971. The House also accepted the Administration bill's proposal that the date of the final ICE would be January 12, 1970. It would be used to apportion funds for FYs 1972 through 1974. (The Senate had not included the 2-year extension in its approved bill; it called for the 1970 ICE but provided for its use in apportioning funds only in FY 1972.)

In addition, the House bill modified the statutory mileage limitation on the Interstate System to 44,000 miles (up from 41,000 authorized by the Federal-Aid Highway Act of 1956). Neither the Administration bill nor the Senate bill included the extension. [*Congressional Record-House*, July 3, 1968, pages 19945-19950]

On July 6, Mayor Washington wrote to the chairmen of the House and Senate Public Works Committees to object to Section 22. He said "it was a great disappointment" that the House bill included "a section which requires the District to build a freeway system in accordance with a predetermined plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community."

He continued:

The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in any of the urban centers of our country.

We respectfully urge that the House and Senate review this provision in conference and remove the mandate for a specific system in the District. ["District Chiefs Criticize House on Freeway Bill," *The Evening Star*, July 8, 1968; "City Asks House to Drop Directive For Specific Freeway Plan Here," *The Washington Post and Times Herald*, July 9, 1968; Mayor Washington's letter is reprinted in Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, page 24034]

Completing the 1968 Act

The House and Senate appointed members to the conference to resolve differences between the two bills. The House appointed:

- Chairman Fallon (D-Md.)
- Chairman Kluczynski (D-Ill.)
- Representative Cramer (R-Fl.)
- Representative Harsha (R-Oh.)

- Representative James C. Wright (D-Tx.)
- Representative Ed Edmondson (D-Ok.)
- Representative Donald Clausen (R-Ca.)

The conferees did not include the three critics who had strongly opposed Section 22 in the House report, Representatives McCarthy, Schwengel, and Waldie.

The Senate appointed:

- Chairman Randolph (D-WV)
- Senator Ernest Gruening (D-Ak.)
- Senator Everett Jordan (D-NC)
- Senator Birch E. Bayh (D-In.)
- Senator Stephen M. Young (D-Oh.)
- Senator John Sherman Cooper (R-Ky.)
- Senator Hiram L. Fong (R-Hi.)
- Senator Len B. Jordan (R-Id.)

As they began their work on July 10, reporters discussed the stakes. In a News Analysis, the *Post's* Jack Eisen began:

Washington's long-sought subway system now is facing a crisis so severe that top rapid transit officials fear the system may be delayed for years or even lost entirely.

WMATA did not believe that Chairman Natcher was bluffing when he threatened to withhold appropriations for the District's matching share of subway funds unless the city began construction of the remaining freeways:

If this occurs, transit officials fear that bond referendums scheduled this fall in three suburban Maryland and Virginia counties probably will be doomed to failure Loss of these elections in turn threatens stagnation and possible disintegration of the area's transit-planning structure, the officials believe, and shelving – perhaps losing – a public investment of about \$30 million in plans and property.

In contrast with the optimism at WMATA earlier in the year following approval of the 97-mile, \$2.5 billion Metro transit system, Chairman Gleason emerged from a closed board discussion on July 5 “with a warning that President Johnson's personal intervention probably will be necessary to keep the program on the tracks.”

The February decision of the U.S. Court of Appeals and Secretary Boyd's assessment of the freeway program “already had cast a long shadow across the plan.”

Chairman Natcher “was proceeding in the belief that the long-raging highway dispute had been settled.” However, the Democratic Party referendum during the District's primary “made it clear that a majority of Washingtonians opposed super highways as a threat to residential neighborhoods and a source of unwanted traffic congestion and air pollution.”

NCPC Chairman Rowe was “in their camp,” but she was retiring on July 11. Her successor, incoming Chairman Hammer, “is uncommitted on the issue.”

Chairman Natcher had not commented on the freeway provision in the House bill, but he knew WMATA believed that the rail network could not solve the region’s transportation problems without the freeways. He also knew that freeway opponents wanted to substitute the rail transit network for the freeways or at least halt all freeway construction until the rail system was completed. “That,” Eisen wrote, “would come around 1980 at the soonest.”

Although anti-freeway forces considered Chairman Natcher’s threat to be “blackmail,” they also thought he would “sound warnings, as he did at closed subcommittee hearings, but will give in and provide money at the last possible moment.”

General Graham said that withholding the matching funds would be “a major tragedy when we’re so ready to go It’s just going to be a damn shame if we don’t go ahead.” He recalled the optimism in the spring. “It was not long ago that people were talking about when the system would be built,” he said. “Now they are talking about if it will.”

If the matching funds were available, WMATA would be ready to advertise for bids in August on the first segment of the G Street subway, with groundbreaking expected in October. [Eisen, Jack, “Freeway Conflict Threatens Subways,” News Analysis, *The Washington Post and Times Herald*, July 8, 1968]

Lee Flor, in a *Star* Interpretive Report, wrote that the fate of the rail rapid transit system “could well rest on the outcome of Senate-House conference committee meetings this week,” even though the transit system was not mentioned in either the Senate or House versions of the 1968 Act. With the conference underway, “It may be several days before the compromise conference report is issued.”

Flor recalled Chairman Natcher’s threat that he was unable to recommend appropriations for the District matching funds for rail rapid transit construction while opponents were holding up the freeway system. Meanwhile, his subcommittee was holding the District of Columbia appropriations bill for FY 1969 pending congressional action on the District revenue act that would determine the additional revenue available to the city. As a result, he had time to restore the transit matching funds. “Now, if the Senate-House conferees approve the version with the freeway mandate, Natcher may change his mind.”

Meanwhile, Chairman Hansen’s Interior Department appropriations subcommittee, which had jurisdiction over WMATA, had approved \$34.7 million in Federal funds for the subway system:

However, it stuck a provision in its report that none of the money could be used unless the Natcher subcommittee approved matching funds in District money.

This provision gives Natcher complete veto over subway money. Without the Hansen provision, the transit authority would be able to start construction with the \$34.7 million.

If the final 1968 Act retained the freeway mandate, “it may put Natcher on the spot”:

Transit supporters may be able to point to the congressional mandate and say it means the freeway system will be built. Therefore, Natcher may feel he should approve subway funds, since he has said he favors both freeway and rapid transit programs here as part of a balanced transportation system. [Flor, Lee, "Area's Transportation Future Is 'In Conference,'" Interpretive Report, *The Evening Star*, July 11, 1968]

The Interior Department appropriations bill was delayed, but the amount included in the pending House and Senate bills was about 20 percent less than requested. Jack Eisen wrote:

Even if Natcher yields, the most his unit can now vote is \$21.9 million. When leftover money from the past fiscal year is added in, the Transit Authority would have \$68.8 million for this year's capital outlay program.

This reduced amount would hamper acquisition of right-of-way and delay construction of the subway section from 14th and G Streets to Connecticut Avenue and K Street, NW., beneath the Treasury Building forecourt and Lafayette and Farragut Squares.

Eisen also reported that on July 5, WMATA's board received a report on some of the construction problems it would encounter. Emil Press of DeLeuw, Cather and Company said that under the planned Metro Center station at the intersection of 12th and G Streets, NW., WMATA faced the biggest challenge:

"I doubt seriously that there is any place in the world that is so delicate from a telephone standpoint," Press reported. At least 171 underground cable-carrying ducts are there, including many that connect Government offices with the downtown telephone central office.

Graham said such problems may result in more deep tunneling instead of relatively shallow cut-and-cover construction. [Eisen, Jack, "Cut in Federal Funds to Delay D.C. Subway," *The Washington Post and Times Herald*, July 6, 1968]

(During this period, station names were tentative. Initially, WMATA considered street names for the stations, but architect Harry Weese convinced the board that names referring to nearby places would be more evocative. In 1969, General Graham adopted four criteria that would "indicate location distinctively and briefly." Some names were natural, such as Bethesda, DuPont Circle, Rosslyn, and Pentagon. Others might be named by one coordinate, such as Backlick Road and Georgia Avenue, or by traditional or colorful words, such as Foggy Bottom and Navy Yard. Names were to be limited to two words, but preferably one.

(On December 9, 1971, after "months of sound and fury," as the *Star* put it, the board finished naming the 82 Metro stations. [Schrag, pages 256-257; Eisen, Jack, "Metro Board Prepares to Name Its 82 Stations," *The Washington Post and Times Herald*, August 10, 1971; Eisen, Jack, "Hill Hearing Expected Soon On Metro Bonds Guarantee," *The Washington Post and Times Herald*, December 10, 1971; Barnes, Fred, "Name Game Ends," *The Evening Star*, December 10, 1971])

After the House approved the District of Columbia Revenue Act of 1968, Chairman Natcher released the subcommittee's bill. The Committee on Appropriations approved the Natcher bill on July 18 and issued its report. In a section of the report titled "Highway and Rail Rapid Transit Programs," Chairman Natcher made his views clear. He began:

For a number of years the members of this Committee have expressed the belief that there is a place for both a freeway system and a rapid transit system in the Capital City. Since 1962 a series of delays and obstacles to the construction of the authorized projects have occurred.

The Three Sisters Bridge had been "continuously blocked":

Progress was made in 1966 in breaking the planning logjam but in 1967 the newly created Department of Transportation came into the picture to such an extent that the Three Sisters Bridge project was used by that department as a means by which the entire Interstate highway program in the District of Columbia was blocked.

The U.S. Court of Appeals ruling had blocked four freeway projects, including the bridge. The ruling threw "a legal cloud" on other freeway projects not covered by the lawsuit. Overall, the report estimated that a total of more than \$200 million in authorized and appropriated funds was being held. In addition, the delays were inevitably increasing the cost of the freeways.

The Committee on Appropriations had often stated its support "for both a freeway system and a rapid transit system in the Capital City." Both were needed "to meet the tremendous day-by-day growth of traffic and population in the metropolitan area." The report recalled the events of 1966 when the committee was holding up subway funds, but a "slight breakthrough" allowed the committee to release the funds in conference:

A similar situation exists currently and until the freeway system is allowed to proceed the committee is again reluctant to provide additional funds for the construction of the rail rapid transit system by the Washington Metropolitan Area Transit Authority, and has accordingly denied the \$27,574,000 requested for the District of Columbia's share of capital outlay for the rail rapid transit system.

By contrast, the committee appropriated District funds for several freeway projects:

- Center Leg, Inner Loop Freeway - \$1,620,000
- Interchange "C," Inner Loop - \$300,000
- Northeast-North Central Freeway - \$1,100,000
- East Leg, Inner Loop Freeway - \$1,008,000
- Potomac River Freeway - \$850,000
- South Leg, Inner Loop Freeway - \$130,000

In the agency-by-agency section, the report said of WMATA that, "No funds have been allowed for the District's share of capital outlay for the rail rapid transit system." [District of Columbia

Appropriation Bill, 1969, U.S. House of Representatives, 90th Congress, 2d Session, Report No. 1729, July 18, 1968, pages 6-7, 23, 26]

WMATA Chairman Gleason called the move “disheartening but not surprising”:

This community now faces a proposition of neither or both. Mr. Natcher is for both and so am I.

I am hopeful that conference action will remove the obstacles that stand in the way of progress for both. [Elder, Shirley, “D.C. Schools, Subway Funds Cut,” *The Evening Star*, July 18, 1968]

In the wake of Chairman Natcher’s action, *Star* editors wrote:

Unless this vitally important program is to be put on ice, perhaps indefinitely, the essential thing now is to break the deadlock and thereby free the transit funds.

During conference on the Federal-Aid Highway Act of 1968, “it is of high importance that the mandatory language be retained intact by the conferees.” First, the language would overturn the U.S. Court of Appeals’ decision. Second “and more important,” it “should persuade Representative Natcher to approve the appropriation of the transit money.”

Otherwise, “transit construction is hopelessly stalled.” If WMATA had to postpone the planned October groundbreaking, “the transit program will run into very serious and possibly insuperable difficulties in nearby Maryland and Virginia.” [“Freeway Deadlock,” *The Sunday Star*, July 21, 1968]

As the House-Senate conference continued, reports began to emerge that the House provision forcing the District to complete its freeway system was leading to an impasse. The *Star* reported on July 13 that House conferees were “adamant” and “ready to sit for days” to retain the District provision, according to an unidentified source. Although one of the conferees, Senator Cooper, had objected strongly to the provision, other Senate conferees “have not expressed as much concern about the issue as he.”

The Senate conferees were more concerned about the House provision weakening Section 4(f):

Secretary of Transportation Alan Boyd has asked both House and Senate leaders of the conference to soften the District directive and leave the District government with greater flexibility to change the freeway plans allowing further hearings.

Title III of the Senate bill, establishing a parking board, “appears acceptable to the House conferees – as long as they get their highway directive.” [“House Conferees Adamant On D.C. Freeway Directive,” *The Evening Star*, July 13, 1968]

Drew Pearson and Jack Anderson published a column saying that the House Public Works action on the bill “illustrates the need” for strict enforcement of a recently adopted House code of ethical conduct. The House version of the 1968 Act was “one of the most lobby-dominated bills

of this session.” The bill “was rammed through the Public Works Committee” by Chairman Fallon (“always a friend of the highway lobby”), Chairman Kluczynski (“the devout friend of the highway lobby”), and Representative Cramer (“another concrete champion”).

The columnists listed “what the lobbyists managed to do” to the House highway bill. The bill removed protections of parks, wildlife refuges, and historic sites “against the invasion of the highways.” It directed construction of freeways in the District of Columbia notwithstanding the ruling of the U.S. Court of Appeals. “This provision sets the precedent for the entire Nation and is probably unconstitutional since it infringes on the power of the courts.” The bill also cut funding for the Highway Beautification Act of 1965 (“a direct slap at Mrs. Johnson”) and added 3,000 miles to the Interstate System:

The Senate, in contrast, has passed a fairly good highway bill.

The two conflicting measures now have gone to conference. Thruway lobbyists and their champions on the House Committee rushed the joint conferences before the public could become aware of what had happened. [Pearson, Drew, and Anderson, Jack, “Highway Lobby Rolls Roughshod,” *The Washington Merry-Go-Round*, *The Washington Post and Times Herald*, July 15, 1968]

On July 24, newspapers reported tentative agreement on the critical issues during the conference committee’s eighth meeting. The Senate had agreed to a modified House mandate on the District freeways. Under the tentative agreement, the District would be ordered to build the Three Sisters Bridge, the Potomac River Freeway along the Georgetown waterfront, the Center Leg (under construction) from the Southwest Freeway to New York Avenue, and the East Leg as far north as Bladensburg Road, NE. However, the city would have time to restudy the North-Central Freeway, the South Leg beneath the Lincoln Memorial grounds and the Tidal Basin, and the North Leg of the Inner Loop (still identified as a tunnel under K Street). The District would be required to submit a report to Congress within 18 months on the studies.

Conferees, according to the reports, had dropped Title III, but had agreed to reconsider. They also had tentatively agreed to reduce the expansion of the Interstate System to 1,500 miles. [Milius, Peter, and Carper, Elsie, “Hill Pushes Plan to Order D.C. Roads,” *The Washington Post and Times Herald*, July 24, 1968; Grigg, William, “Freeway Bill Conferees Back Softened Directive,” *The Evening Star*, July 24, 1968]

As if to heighten the tension, Chairman Tydings and his colleagues on the Senate District Committee wrote on July 23 to warn the city council that the freeway impasse was “undermining any hope for a subway.” The impasse was threatening the regional compact in support of the rail rapid transit system. The letter said that, “despite our mutual frustration, there is no time left for beating the air or for unrealistic posturing.” The question was not if the area would have subways or freeways, “but whether we will ever have rapid transit at all.” [“Senate Unit Cites Peril in Metro Delay,” *City Life*, *The Washington Post and Times Herald*, July 24, 1969]

The Conference Report

On July 19, Secretary Boyd wrote to Chairman Randolph. Secretary Boyd had received a call from Senator Cooper asking for the Department of Transportation's views on the provision in the House bill on the District of Columbia freeways.

The Senator had "asked me particularly for my views as to whether or not major problems would be encountered in the construction of the East Leg and the Center Leg." Secretary Boyd did not believe any major problems would be encountered on the East Leg as its construction continued northward to the East Capital Street Bridge.

As for the Center Leg, "there are important reasons why construction . . . cannot, at this time, proceed beyond New York Avenue." The Center Leg could be extended north a few blocks to Brentwood Road, NW., just south of Brookland, but beyond that point, the extension of the Center Leg would require an interchange with the North-Central Freeway. If the expressway were not continued north, traffic would have to be diverted onto an expressway in the New York Avenue corridor:

I have been advised by the District of Columbia Government that, because of the interchange problem, until a decision is made as to the location and design of the North Leg [sic], construction of the Center Leg north of New York Avenue is not feasible. Accordingly, the District Government believes and I concur in its position, that it would not be desirable, at this time, to legislate construction of the Center Leg beyond New York Avenue.

He did not want to comment in detail on other segments:

In fact, during our investigation into the District highway program it has become obvious to us in the Department that it is not possible to make useful summary judgements [sic] about any of the projects individually. They must be viewed as parts of a system, the entirety of which – and not its individual components – must be designed so as to best meet the requirements of the city and the region.

Secretary Boyd illustrated this problem by discussing two of the more controversial projects, beginning with the South Leg tunnel. It would, he wrote, funnel traffic onto the Southwest Expressway, "which is already overcrowded at peak hours and which was not designed with a South leg [sic] in mind." In view of traffic flow and the complexity of interchanges required in the 14th Street area, "I continue to believe that the South Leg is inordinately expensive relative to the benefits that would be realized from it. Attempting to graft it into the system would create more problems than it would solve, and I do not think it is a wise use of Federal funds."

The Three Sisters Bridge was the other segment that illustrated the difficulty of discussing individual projects:

It appears to me that on no issue is the record more misinterpreted than in the case of the Three Sisters Bridge. There is no doubt that the construction of that facility poses serious questions with respect to its impact upon the environment.

Too little attention, he wrote, had been paid to the bridge's role as a link in the metropolitan area:

As I have said before, to construct the Three Sisters Bridge without at the same time making provisions for a North Leg and an adequate downtown distribution system is to transfer a traffic jam from one side of the Potomac to the other. Construction of the Three Sisters Bridge as an isolated project will serve little purpose. It is for this reason that I maintain that the District Government must be allowed the flexibility to design and construct, as a package, a system for movement across the Potomac and along the waterfront and for both through movement and circulation in the downtown business district. I do not, therefore, think it would be desirable to require by statute construction of the Three Sisters Bridge.

In response to a direct question from Senator Cooper, Secretary Boyd addressed a comment often made in support of the bridge. He enclosed a summary of assumptions on access from the city to Dulles International Airport. "It indicates conclusively that the location of Dulles Airport at its present site was in no way based upon an assumption the Three Sisters Bridge would be constructed." [Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, page 24034]

Conferees released their report on the Federal-Aid Highway Act of 1968 on July 25. The District freeway provisions were contained in Section 23 of the new bill.

Section 23(a) stated that, "Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia," as set forth in the 1968 ICE. "Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code."

Section 23(b) stated that within 30 days after enactment of the legislation, the District "shall commence work" on:

- Three Sisters Bridge, I-266 (Section B1 to B2).
- Potomac River Freeway I-266 (Section B2 to B4).
- Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.
- East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road

Section 23(c) stated that for projects in the 1968 ICE not specified in (b), the District of Columbia government and the Secretary of Transportation "shall report to Congress no later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section."

Section 23(d) assured the District's ability to employ the highway relocation assistance established by Section 30 of the 1968 Act.

Section 23(e) authorized the District Commissioner (mayor) "to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 . . . and the Commissioner is further authorized to transfer to the United States title to property so acquired."

(Section 1 of the Act of May 20, 1932 (P.L. 72-143) authorized Federal and District authorities to transfer jurisdiction over parts or all of their administered "properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon." Prior to consummation, the National Capital Park and Planning Commission (later renamed NCPC) shall recommend the proposed transfer. The authorities concerned shall report all such transfers to Congress. Section 2 stated that nothing in the Act was intended to repeal any other law authorizing transfer of jurisdiction among Federal and District authorities.)

Finally, Section 23(f) authorized payment to be made by the Commissioner, and received by the Interior Secretary, "in lieu of property transferred pursuant to subsection (e) of this section." This amount "shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property."

The conference report included a Statement of Managers on the Part of the House "in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report." The statement, signed only by the House conferees, discussed the compromises reflected in the proposed statutory provisions.

Regarding the Three Sisters Bridge, the statement summarized its history – the Policy Advisory Committee's 1966 agreement as to the location of the bridge, the Commission of Fine Arts' approval of the design, NCPC's approval of the general alignment on September 15, 1966, and the geometrics on May 2, 1967, subject to review by the Department of Transportation, and the Department's February 1968 letter returning the decision to local prerogatives:

The bridge location and geometrics shall therefore proceed as presented to the National Capital Planning Commission in September 1966 and May of 1967 with no further actions required by that or any other body.

With respect to the scheduling of construction, the Congress directs that the first substructure contracts be advertised for construction within 90 days of the enactment of this legislation.

Immediately upon completion of construction of the bridge, the District of Columbia shall relinquish to the National Park Service the right-of-way through Glover Archbold [sic]

Park that it presently holds. The design of the bridge does not require intrusion on the Park and the Congress directs that no intrusion of the Park take place.

The statement's discussion of the I-266/Potomac River Freeway stated that the District was to "proceed immediately into the final design stage" on the section of I-266 from the Three Sisters Bridge to approximately 31st Street, NW. In addition, "right-of-way acquisition shall be resumed immediately on those parcels remaining to be acquired which are required for the facility and which have already been authorized by the Bureau of Public Roads":

The project shall be built from its eastern extremity at the already completed portion of the Potomac River Freeway at Thirty First Street westward to the Three Sisters Bridge in the vicinity of the intersection of Foxhall Road and Canal Road. It shall be an eight lane facility consisting of two four-lane roadways.

The statement specified the routing of the two four-lane roadways:

The westbound roadway will proceed as an elevated structure from Thirty First Street along the present Whitehurst Freeway to a point just west of Key Bridge where it will proceed *under* the existing C & O Canal to an alignment between the present Canal Road and Georgetown University. It will then proceed past the vicinity of the intersection of Foxhall Road and MacArthur Boulevard to join the westbound lane of the Three Sisters Bridge.

The east bound roadway shall proceed from the terminus of the existing completed elevated section of the Potomac River Freeway at Thirty First Street dropping as soon as possible, consistent with Interstate standards, into a tunnel section under the Georgetown waterfront and proceeding westward *under* the C & O Canal to an alignment immediately parallel to the westbound roadway between the existing Canal Road and Georgetown University. The alignment will then proceed westerly to the eastbound roadway of the Three Sisters Bridge. [Italics in original]

In the vicinity of the Three Sisters Bridge, the statement indicated, "there will be provided ramp connections to the proposed Palisades Parkway which is the extension of the already completed section of the George Washington Memorial Parkway." In addition, "Provision shall be made for connections from the Palisades Parkway to the intersection of Foxhall Road and MacArthur Boulevard":

Canal Road which presently follows directly adjacent to the C & O Canal shall be relocated from Key Bridge to the intersection of Foxhall Road and MacArthur Boulevard by placing it between the Potomac River Freeway and Georgetown University on a high level which will overlook the beauty and splendor of the C & O Canal and this reach of the Potomac River.

The District Department of Highways was to "proceed to design this entire facility, by use of consultants or otherwise, to begin no later than sixty days from enactment of this legislation. Construction shall commence in a logical sequence as soon as designs have been prepared."

Regarding the Center Leg, the statement observed that it was “already under construction, in various stages” and should be completed to New York Avenue. The Center Leg would terminate at New York Avenue “until plans are completed for its continuation and connection with other parts of the system to be approved at a later date.”

Interchange “C,” the statement summarized, was “in various stages of design and construction from 6th Street, S.E., to and including Barney Circle.” Construction was to continue on schedule:

The project shall proceed as an eight-lane roadway from Barney Circle to just south of the East Capitol Street Bridge and thence northerly as a six lane facility.

It was to comply with the alignment and geometrics approved by NCPC on September 15, 1966:

It shall proceed northerly from Barney Circle adjacent to the Congressional Cemetery and thence to the east of the D.C. Stadium and under the west approaches to the East Capitol Street Bridge. Access shall be provided to the D.C. Stadium parking areas as indicated in the plan presented to the National Capital Planning Commission. The alinement shall proceed northward under Benning Road and immediately east of the proposed athletic field in the Spingarn High School complex. In the vicinity of the Arboretum at Maryland Avenue an interchange will be provided in conjunction with proposals by the Arboretum for a new entrance treatment at that location. The alinement will then proceed slightly onto Arboretum lands to avoid residences along M Street in accordance with agreements already arrived at with the Arboretum. The design of the terminus at Bladensburg Road will take into account the possibility of extension of this project as a tunnel under Mt. Olivet Road.

The District was to direct the design consultant, already under contract for the section between Barney Road and Benning Road, “to resume work, with the first construction contract to be advertised within 90 days of enactment of this legislation.”

For the section from Benning Road to Bladensburg Road, the city was immediately to begin negotiations for a design contract that would get underway within 60 days of enactment:

Construction on this part of the project shall commence as soon as plans have been prepared. The alinement for this portion of the route shall be as presented at a public hearing in January of 1967 and subsequently approved by the National Capital Planning Commission on February 9, 1967 and the D.C. Board of Commissioners on March 9, 1967.

The statement added that this plan had the approval of NCPC, NPS, “and to the extent required, the Fine Arts Commission”:

The plan contemplates rebuilding the existing golf course in the Kingman Lake area, and the development of an extensive recreation area, involving a marina on the Anacostia River, ball diamonds, etc. The Congress expects that these plans will be carried to full completion at the earliest possible date.

All Federal agencies affected by these plans were “to expedite any actions on their part to meet the time schedule set forth herein.”

As for the other segments in the 1968 ICE, the District and the Secretary of Transportation were “directed to study those projects and report to the Congress within 18 months from the date of enactment their recommendations with respect to such projects, including any recommended alternative routes or plans, so that the remainder of the Interstate System within the District of Columbia may be appropriately authorized.” If the District and Secretary did not submit recommendations within 18 months, “then the Secretary of Transportation and the government of the District of Columbia are required to construct the routes.”

Although these congressional directives by the managers of the House were part of the legislative history of the Federal-Aid Highway Act of 1968, they were not statutory and, therefore, not binding.

As for authorizing the District to participate in the new relocation provisions, the statement continued:

The committee cannot overemphasize the importance of these relocation provisions to the District of Columbia situation, as well as that of many other urban areas.

The conferees also agreed to a 1,500-mile extension of the mileage limitation on routes eligible for construction under the Interstate program. The report explained that:

The Interstate System now stands at 41,000 miles. All of it has been designated, and less than 15 miles remain for making adjustments of any kind.

The report discussed the designation process under the Federal-Aid Highway Acts of 1940 and 1956, noting that “no provision was made for flexibility which would make it possible to meet the tremendous changes that have taken place in population and development in many sections of the nation.” Several cities of 100,000 population were not on an Interstate route. “In addition, because of these and other factors, there are critical gaps in the System which will prevent its efficient functioning as the nation’s major continuous interconnected highway network.”

The missing links, “virtually everyone” recognized, must be built. The report cited the extension of I-75 from its present terminus in Tampa-St. Petersburg to Miami as one of several examples. The States were to submit proposals to the Secretary of Transportation, who was to approve allocation of the mileage within the new limitation. The States were to decide whether construction of the missing links took priority over currently designated segments:

These 1500 miles, to the extent they are used, will increase the ultimate cost of the system, but they will also provide essential flexibility in maintaining the usefulness and efficiency of the entire Interstate System, and its ability to meet the purpose for which it is being constructed. That flexibility is desperately needed now, on an interim basis, pending the time when the Congress determines what the long-range future highway program will be.

The conferees agreed to extend the time for completion of the Interstate System to June 30, 1974.

The conferees amended Section 138 of Title 23, United States Code, to contain the same language as Section 4(f) of the Department of Transportation Act. The key part of the provision read:

After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

The report explained how the conferees expected Section 138 and the identical Section 4(f) to be interpreted:

This amendment of both relevant sections of law is intended to make it unmistakably clear that *neither* section constitutes a mandatory prohibition against the use of the enumerated lands, but rather, is a discretionary authority which must be used with both wisdom and reason. The Congress does not believe, for example, that substantial numbers of people should be required to move in order to preserve these lands, or that clearly enunciated local preferences should be overruled on the basis of this authority. [Italics in original]

Although the House conferees had yielded on the House provision weakening Section 4(f) and Section 138, they secured this nonstatutory explanatory language that reflected their views.

(According to an internal history by the Department of Transportation explained:

The last clause was inserted after several members of Congress took exception to Secretary Boyd's decision to veto the use of Brackenridge Park in San Antonio, Texas for a freeway, despite the fact that the San Antonio City Council and the voters of San Antonio in a local referendum indicated that the use of the park for highway purposes was desired.

(For information on the San Antonio freeway dispute, see *Busting the Trust: Unraveling the Highway Trust Fund 1968-1978* on this Web site.)

Conferees dropped Title III, Senator Tydings' parking bill. The statement of managers did not explain why. [Federal-Aid Highway Act of 1968, Conference Report to Accompany S. 3418, U.S. House of Representatives, 90th Congress, 2d Session, Report No. 1799, July 25, 1968; Conference Report on S. 3418, Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 26, 1968, pages 23692-23704]

Two Bills in One Day

On July 26, the House of Representatives acted on two bills affecting the District's freeway program. First, Representative Natcher introduced the District of Columbia Appropriations Act, 1969. After discussing appropriations for many District activities, Representative Natcher turned to the freeway program. He explained the committee's support for freeway and rapid transit systems. The freeways, however, had faced a series of delays and obstacles beginning in 1962.

He cited the example of the Three Sisters Bridge as "the focal point" of the freeway network, saying it had "been continuously blocked." He went through its history, including the Department of Transportation's use of the bridge "as a means by which the entire interstate highway program in the District of Columbia was blocked." He cited the February ruling of the U.S. Court of Appeals, which blocked four projects. "The District has held, however . . . that a legal cloud has been thrown over all freeway projects and thus no further freeway projects will be started without specific authorizing legislation." These delays, he pointed out, "have resulted in increased projects costs [sic] which are cause for considerable concern."

His committee's position was "still unchanged." He recalled that in 1966, the committee had denied funding for the rapid transit system:

A slight breakthrough did occur . . . and funds were obligated for the highway program. As a result, the rapid transit funds were agreed to in conference. A similar situation exists currently and until the freeway system is allowed to proceed the committee is again reluctant to provide additional funds for the construction of the rail rapid transit system by the Washington Metropolitan Area Transit Authority, and has accordingly denied the \$27,575,000 requested for the District of Columbia's share of capital outlay for the rapid transit system.

Representative Broyhill asked for assurance that if the freeway logjam were broken that the rapid transit funds would be restored. Representative Natcher replied that, "As soon as the freeway system goes [sic] underway, beyond recall, our committee will recommend the appropriation of construction funds for the rail rapid transit system."

Representative Machen commended Chairman Natcher for his decision to support a balanced transportation system that included freeways. The area was a "tragic situation" where millions of dollars had been spent on planning, but so many of the planned freeways had not been built. "It has been through a rearguard action by a few [opponents] that have blocked not only the will of Congress, but the consensus of Congress in going ahead with a balance [sic] transportation system."

Representative Gude also commended Chairman Natcher's decision. The area needed the freeway system that "the House has overwhelmingly endorsed":

The delay of both systems has already meant additional cost for the taxpayers of our Washington metropolitan area as well as the Nation The cost of delay in building

both systems when measured in terms of inadequate transportation for business, industry, workers, and the public in general is incalculable but obviously great.

Chairman Kluczynski assured his colleagues that “the gentleman from Kentucky is a man of his word.” He said:

As the gentleman has explained, there is over \$200 million laying here for the construction of highways, and there is nothing being done for the residents of the area or for the thousands of visitors to get in and out of Washington.

He pointed out that the House would soon be voting on the conference report on the Federal-Aid Highway Act of 1968, as a result of which “we will be able to use those highway funds.”

After discussing other aspects of the District appropriations bill, the House approved the bill without a recorded vote. [District of Columbia Appropriations, 1969, *Congressional Record-House*, July 26, 1968, pages 23629-23731]

Later that day, Chairman Fallon introduced the conference report on the Federal-Aid Highway Act of 1968. House conferees, he said, had worked with their Senate counterparts to produce “one of the finest road construction programs that we have ever been able to present”:

I believe we are presenting to you a bill that is not only a workable bill but one which will go a long way toward relieving the congestion in traffic that exists today and promote safety on the highways as well as helping to build up the economy of this country, which is so important and vital to the future of America.

After “great give and take,” the conferees had agreed on the final bill unanimously. He described briefly its many elements, including:

We also think we have taken care of the problems relating to parklands, the District of Columbia highway program, and other features

One of the most important programs contained in this legislation is a meaningful relocation program, one that is essential for proper highway development and one which will take care of individuals, businesses, or organizations which are forced to relocate because of highway construction. Proper compensation is afforded to these groups under the terms of the relocation section in this report.

Chairman Kluczynski followed to say he thought every member of the House could justly share his satisfaction with the bill. “There has been a lot of publicity about it, and most of the publicity has centered around its less significant sections.” In a quick summary, he said the bill included “what is beyond question the most progressive and soundly written relocation program the Federal Government has ever undertaken.” Further:

It actually strengthens the position of the States and local governments in the protection of parklands, historic areas, and similar lands. It makes it possible to resolve the strangling deadlock on transportation in the Nation’s Capital.

Following discussion of other provisions, Representative McCarthy asked Representative Wright how conferees dealt with District highways. Representative Wright explained that the House, in its bill, had directed the District to construct its entire network of Interstate highways, but the Senate bill had not included a provision on the District freeways:

The compromise which was agreed to in conference directs the immediate construction of those segments on which there is relatively little controversy; namely, the parkway along the riverfront, the north central leg [sic] and the east leg of the expressway and the Three Sisters Bridge.

As regards the rest, the bill directs a study to be made within 18 months and a report to be made not later than January 1970, by the District government as to its plans, intentions, and programs for the remainder.

Representative McCarthy moved on to another subject, amendment of the Highway Beautification Act of 1965, a much more controversial topic nationally than the District freeway provision. Conferees had rejected the House's weakening of the measure, for example by making outdoor advertising control voluntary and providing no program funds. Conferees continued the program, but authorized program funds only for FY 1970.

At one point, Representative Samuel S. Stratton (D-NY) said he was not opposed to highway beauty, but was concerned that restrictions on outdoor advertising would "mean curtains and bankruptcy for thousands of small tourist businessmen across the country" because they could not afford to advertise on the big billboards erected beyond the limits covered by the 1965 Act. He wanted to hold up on the program until Congress had a chance "to stop, look, and listen" on this issue. He wanted the beautification funds in the bill to be deleted.

As debate on the Federal-Aid Highway Act of 1968 neared an end, he offered an amendment to recommit the bill to the Conference Committee for further consideration of the issue. The House rejected the amendment, 98-166.

According to the transcript of the debate, no one other than Representative McCarthy commented on the District freeway situation before the House adopted the report by voice vote. [Conference Report on S. 3418, Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 26, 1968, pages 23704-23714; the McCarthy-Wright dialogue is on page 23710; the Stratton discussion of the Highway Beautification Act is on pages 23710-23711]

House approval prompted District highway officials to tell reporters that the city was ready to start construction "almost right away." Deputy Director Rivard of the division of planning and programming said tests had been completed on sinking piers for the Three Sisters Bridge. The city would advertise the construction contract within 90 days of the bill's enactment. The city also would let a contract within 90 days for design of the Potomac River Freeway as described in the conference report. Construction was underway on the eight-lane underground section of the Center Leg, with the tunnel completed to Massachusetts Avenue and construction begun south of the Capitol. Remaining contracts, Rivard said, "will be let shortly." A consultant was under

contract for extension of the East Leg to Bladensburg Road. [“City to Rush Roads After Hill Order,” *The Washington Post and Times Herald*, July 28, 1968]

On July 28, the *Star* published a lengthy editorial on the congressional call for action on freeways. It began:

Congress’ forceful directive to the District of Columbia and to federal agencies to stop sabotaging Washington’s freeway program – and to get it built, is an unusual action, justified by an extraordinary set of circumstances.

The editors disagreed with Senator Cooper’s suggestion that the provision was an improper intrusion into District affairs. “This is intrusion in the same sense that a patient parent finally takes a firm hand with a group of children who persist, after endless warnings, in trying to tear the house apart.”

For years, “the bureaucratic response to Washington’s urgent need for a modern highway system has been to march forthrightly away from the problem.” Federal and city officials had demonstrated “a total inability to reach firm decisions.” A group of influential citizens had engaged in “persistent, deliberate delaying tactics,” while Secretary Boyd, “who was the logical man to reconcile these difficulties, has merely made them worse.” Finally, Congress had stepped into action “because there was no other way to end this foolishness. It is high time.”

The conferees, modifying the sharp directive in the House bill, “allowed a considerable amount of administrative flexibility, and there is an element of danger in these concessions.” The bill was “entirely reasonable,” but for the District freeway provision to work, it required “a great deal of good-faith cooperation by precisely those officials who in the past have failed to act.”

Chairman Natcher had made clear that until the freeway program was advancing “beyond recall,” he would not recommend District matching funds for the subway. The rearguard tactics would not be tolerated.

As for Mayor Washington, he had “juggled the freeway issue like a hot potato, in a futile effort to try to placate all parties in the controversy.” Given pressures from Congress, NCPC, Secretary Boyd, “and from militant citizens who objected to roads which would encroach on their local neighborhoods,” Mayor Washington had not been able to accomplish the balancing act. The congressional action “eases that dilemma” by providing the mayor with “the means, if he chooses to use them, both to build a freeway system and to answer any of the objections previously raised which warrant answers.”

Congress had given the city 18 months to resolve issues involving the North-Central Freeway, the most troubled of the freeway segments. Mayor Washington had sought “precisely this sort of authority in order to assure himself that the best interests of the community were being served.” Now that he would have the power under the 1968 Act, “he has an obligation to use it constructively.”

Much of the criticism of the freeway network was based on relocation of homes and businesses in the path of the highways:

The new legislation, however, makes federal dollars available to pay up to \$5,000 in excess of fair market value for private homes taken, and it authorizes \$1,500 payments to displaced lessees and renters who previously received nothing. These reforms are the most liberal of any governmental program involving the powers of eminent domain. They should help immeasurably to alleviate the hardships of freeway displacements.

The editors regretted that the conferees did not add the South Leg Freeway to the list of freeways designated for immediate construction. "Because of its great cost, this project, along with remaining elements of the system, were lumped in the category for which the directive ordered firm construction decisions 18 months from now." The 18-month period would allow for public discussion surrounding each of the freeways.

The editorial concluded:

It would be foolish to assume at this point that the opposition to freeway construction will simply dry up and blow away. What Congress has made plain is that this opposition must no longer be permitted to stifle improvements which are vital to the life of the Capital City.

If Mayor Washington also accepts this sensible, necessary premise, and works earnestly for its fulfillment, the balanced transportation system this city requires will emerge. If he should fail to do so, the results will be disastrous. ["Congress Calls for Action on the Freeways," *The Sunday Star*, July 28, 1968]

Senate Action

The Senate debated the Federal-Aid Highway Act of 1968 on July 29. At the start, Majority Leader Mansfield asked to speak because he had another engagement that would keep him away for much of the debate. He understood the importance of the Interstate System to the States and the District of Columbia, but Section 23 "concerns me somewhat" because it "seems to be creating a precedent insofar as the District of Columbia is concerned in placing the Congress in the role of a highway engineer, a precedent we might well extend to the 50 States of the Union."

He was particularly opposed to the Three Sisters Bridge "because of the fear that approaches to this bridge would invade Glover-Archbold Park and, also, would be the first step in an effort to construct a highway through this park." The Glover and Archbold families, he reminded his colleagues, had donated the land in perpetuity for use as a recreation area. Now he had a telegram from Miss Moira Archbold, daughter of one of the original donors, urging him to oppose the bridge for those reasons. He had been assured recently that the bridge would not affect the park and he would like to receive reassurance on the record.

Senator Randolph assured him by citing the conference report, which stated that as soon as the bridge was completed, the District would have to relinquish to the National Park Service the right-of-way through the park that the city presently held. The report added that, "The design of the bridge does not require intrusion on the park and the Congress directs that no intrusion of the park take place."

In that case, Senator Mansfield asked what the plan was for carrying traffic off the bridge into the city. Chairman Randolph said the Potomac River Freeway “would be an outlet for the Three Sisters Bridge in connection with the entrance into the District of Columbia.” Moreover, access to Dulles International Airport was “an important reason” for construction of the bridge.

Finally, Senator Mansfield asked “what assurances can we have against future invasion of this park land?” Chairman Randolph replied that in addition to the directive in the conference report that the city transfer its title to a path through the park to NPS, the amendment to Section 138, incorporating the identical language of Section 4(f), “would give the assurance that the distinguished majority leader is asking for.”

Senator Mansfield was not fully assured by his colloquy with Chairman Randolph. “As I have indicated, this park must be protected and the construction of this bridge will, certainly, be a temptation for the highway builders who want to construct a roadbed through the park and on up Wisconsin Avenue.” In addition to the highway builders, “even Georgetown University, several years ago, was desirous of obtaining some of the acreage at the bottom of the park, toward Canal Road and the Potomac River”:

I hoped we would not succumb too much to the people who believe in highways, ribbons of concrete, various kinds of curlicues, question marks, and what-not; that I would hope in this congested part of our country, which will become more and more congested as time goes on, the Senator from Montana – speaking as a temporary resident of the District of Columbia – would like to state that we should pay more attention to the preservation of open spaces and clear areas than has been the case to date. With the passage of time, space is simply going to become more and more needed and necessary as recreational areas for the people of the District, including citizens in the surrounding States of Maryland and Virginia.

Chairman Randolph again assured the majority leader that conferees had agreed that the Three Sisters Bridge was to be built “in such a way that it will not now, or in the future, result in any encroachment on Glover-Archbold Park.”

Before leaving, the Majority Leader added:

May I say one thing in conclusion? I do happen to be interested in Glover-Archbold Park because I live two blocks away. My property does not abut the parkway.

Chairman Randolph, who lived at 4608 Reservoir Road, NW., noted, “I also live two blocks away.”

With Senator Mansfield’s departure for his meeting, Senator Spong asked to speak about the importance of the bridge and I-266. With Washington National Airport having exceeded its capacity, the bridge and I-266 “would facilitate the utilization of the air transportation potential of Dulles.” For the record, he introduced a resolution adopted by the Virginia General Assembly urging the State’s congressional delegation to “exert all possible efforts to assure the prompt authorization for carrying out plans originally approved” in 1966 to “construct these integral

segments of the Interstate highway system.” Senator Spong appreciated the efforts of the conferees to ensure this recommendation would be carried out.

The Senators discussed other sections of the bill until Senator Dominick, who served on the Senate District Committee, asked about the District of Columbia provision. The fight, he said, over the District freeways had been going on for a long time. “All of a sudden we find that in this conference report Congress is ordering, against the wishes of a great number of people, that the full program go forward.” He feared they were “putting the cart before the horse” in the absence of “any provisions as yet for adequate parking within the District”:

I, for one, do not want to see us turn the District of Columbia into a pad of concrete. I realize the Senate bill did not have this provision in it, that the House bill did. Now as a result of the conference we are saddled with it. I wonder whether the Senator could give me any enlightenment on that matter.

Chairman Randolph said that some of the freeways were “not controversial in nature,” and none of the controversial ones were in the conference report. “We have attempted to move as best we could with realism and with regard for the nearby States of Maryland and Virginia as well as the District.”

In view of the controversy, Senate conferees “approached this matter with reluctance, with reservation, and with restraint.” They did not believe “this was a matter that should be handled in a national highway act.” However, in the interest of comity and completing the bill, “we proposed certain language changes in the House bill.” In “the give-and-take which ensued,” the committee was able to agree on the provision. They specified construction of four projects, three of which they believed were “relatively noncontroversial and can be accomplished with a minimum of disruption and dislocation.”

They knew that the fourth, the Three Sisters Bridge, was controversial, but also that it was “vital to the development of proper access to Dulles International Airport” as well as Virginia’s development of I-66.

Senator Dominick doubted the claim about access to Dulles International Airpoint, in view of the Capital Beltway, Dolley Madison Boulevard (State Route 123), and the current seven bridges across the Potomac River. He also asked how many people would be displaced by the Potomac River Freeway and the Center Leg. Chairman Randolph did not know the exact number of displacees. “It will be more, let us say, a partial disruption of commercial activity. I think of the rendering plant involved. I do not believe people will be dislocated to a great degree.”

Senator Dominick agreed with elimination of the Georgetown rendering plant. Further west, however, “there are some rather heavily populated residential areas.” What about dislocation in that area? Chairman Randolph did not “believe many residents will be involved in the dislocation.”

The reason Senator Dominick raised the question was the issue of traffic projections over the next 10 years. According to information the city’s highway engineers provided to the Senate

District Committee, “there is not going to be a significant increase, and if we can handle the present traffic load, is there a need for spending all these funds in this type of activity? Does not this hamper our efforts to maintain a city with some scenic beauty, instead of developing a mass of concrete?” Chairman Randolph’s response referred only to the bill’s relocation aid provision.

If the Senate rejected the conference report, Senator Dominick asked, would the Senate be able to persuade the House to delete the provision? Chairman Randolph replied that “on this matter there would be no yielding on the part of House conferees. I am sure of this”:

They have, of course, discharged their conferees, by the House vote on the conference report, and there is, therefore, no way of sending this report back to conference. It must be voted up or down.

The Senate conferees had “done the best we could in this conference report.” He added:

I must disagree with those persons who say there is not going to be much more traffic moving in and out of the District of Columbia. I wish to state strongly that in my view there will be much more traffic.

Senator Cooper, one of the conferees, said the District freeway provision was “one of great controversy in the conference.” He had opposed the section “from the beginning to the end” and had not signed the conference report and could not vote for the bill because of this provision and the section that authorized the Secretary to designate 1,500 miles of additional Interstate routes. “I must say that the conferees from the House never showed the slightest inclination to change on this section.

Further, he was “amazed” by the report of the managers of the conference. The bill directed the District of Columbia and Secretary of Transportation to take certain actions:

In the manager’s report, they lay down directions almost like a construction company, how to proceed with the construction. I think this is wholly wrong, and it is wholly wrong for the Congress to direct a political subdivision to make a certain choice of roads. It is wrong.

The District provision in the House bill was, Senator Cooper said, the one provision “the House conferees were not going to yield on.”

Debate continued on other provisions, but after receiving assurance regarding the identical language in Section 138 and Section 4(f), Senator Jackson asked about the Potomac River Freeway. Based on the language calling for it to go under the C&O Canal, he wanted to ensure NPS would be involved to protect its resource. “I take it that there has been no change in the basic provisions of the law and the policy in regard to that situation.” Chairman Randolph confirmed that, “There has been no change.”

Senator Jackson referred to the report language calling for eight lanes, not the six lanes as had been discussed. Chairman Randolph replied, “The number of lanes has not been determined.” Senator Jackson wanted to be sure the Interior Secretary “has an opportunity to go over the final

design” and that nothing in the bill, such as modifications related to Section 4(f), “would change in any manner this relationship and authority that has existed, as it pertains to the Department of the Interior and the Department of Transportation.” Chairman Randolph replied by quoting the language stating, “It shall be carried out in accordance with applicable provisions of title 23 of the United States Code.”

Senator Cooper addressed the Senate in detail regarding his opposition to the District provision:

We must get this matter clear. These are projects on the Interstate and Defense Highway System. They are multi-lane freeways within this city, massive and wide, with interchanges and access and exit ramps, and of limited access – which means they must be elevated or have overpasses to accommodate intersecting streets.

He pointed out that Secretary Boyd, Mayor Washington, and Chairman Hechinger of the city council opposed the measure. After introducing their letters, Senator Cooper said, “On the merits, the Department of Transportation and the Bureau of Public Roads opposed the construction of these legs.”

Chairman Randolph corrected him. The department opposed them, not BPR, but Senator Cooper did not agree, in view of Director Turner’s comment that they would “literally fire three lanes of traffic at three lanes which are already on the expressway.” True, as Chairman Randolph pointed out, Turner was referring only to the South Leg, which the bill did not require the city to build, but the freeways were interconnected:

To construct the Three Sisters Bridge or several legs, without knowing what the total system should be, would be an improper way to proceed with the job. It could be very wasteful, and possibly not accomplish even the traffic objectives.

Moreover, while Senator Cooper respected the members of the House Committee on Public Works, he did not believe the members had “the technical or engineering expertise to lay out a system of roads in the District of Columbia.” And yet that is what the statement of conference managers did, as if it were an order “given by a great construction firm as to the way these roads should be built.”

He also opposed the measure because it was a bad precedent. Instead of letting State and local officials resolve differences through the normal means, “it would direct the State highway department or, in this case of the District of Columbia, its Department of Highways, how to lay out projects and additions to its system.”

Finally, he was concerned that the congressional directive would prevent the people from expressing “their judgments as to the economic, social, and environmental impacts of the system, under a democratic process.” Despite the U.S. Court of Appeals finding about citizen involvement, the House had simply said that notwithstanding any law or court decision, the Secretary of Transportation and the city must “go ahead and build these roads as we want them built – no matter whether it be dangerous to the character of the city; no matter whether this is

what the people want, the poor as well as the rich – go ahead and build them, as a few people sitting in Congress want them built.”

Majority Leader Mansfield, who had returned from his engagement, asked, “What special qualifications do the members of the Committee on Public Works in the House have to entitle them to lay down dictum of that nature?” Senator Cooper replied, “There may be an engineer among them, but they do not have the expertise . . . nor do we”

The Majority Leader asked if Congress could impose its judgment on the States as well as the District of Columbia. “Certainly,” Senator Cooper replied. He doubted they would, but because the District was considered a State under Title 23, the precedent was there for intervention in State controversies.

If the committee wanted to build a freeway through Glover-Archbold Park, Senator Mansfield asked, could the Congress do so? “Yes,” answered Senator Cooper, “because there is the inherent power of Congress to override.” Senator Mansfield asked what was the point of a private group or family bequeathing property to the District for use in perpetuity for recreation if Congress could simply overrule the purpose.

Senator Cooper started to agree, saying “there is no guarantee except Congress,” but Chairman Randolph interrupted to point out that Glover-Archbold Park was not affected by the bill. True, as Senator Mansfield quickly pointed out, but some groups wanted to use it for a highway. “They were interested. We are not allowing it.”

The problem with that statement, Senator Cooper said, was that “in the future, Congress could direct them to run the highway through this park, or any other.” A clearly exasperated Chairman Randolph assured Senators Mansfield and Cooper, “What is proposed to be laid down will not go through the park.”

Senator Cooper reiterated his plan to vote against the conference report:

I do not pretend to know about the merits of these legs. If the proper procedure is followed, the bodies concerned might come up with the same project, even though the Department of Transportation has indicated to the contrary at this point. But I oppose the idea of Congress arrogating to itself the wisdom or the authority to attempt to lay down a road system in the District of Columbia, in any other State, or in any other city in the United States. I think it is a local matter.

In conference, he had proposed substitute language directing the Secretary of Transportation and the District to make any necessary changes and proceed with construction as soon as possible in accordance with the Federal-Aid Highway Act and Title 7 of the District Code. “But the House conferees insisted upon their own position, which resulted in the language now contained in the conference report.” He strongly supported many other provisions of the 1968 Act, but because of Section 23 and the 1,500-mile extension of the Interstate System, he would oppose the conference report. [Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, pages 24023-24036]

Following the debate, the Senate approved the Federal-Aid Highway Act of 1968 by a vote of 66 to 6.

After the vote, Senator Tydings inserted a statement regarding the air rights legislation that had passed the Senate but was awaiting action in the House. "I am today writing Mayor Washington and appropriate members of the House District Committee urging action on this legislation as soon as possible." With Congress having directed the city to proceed with freeway construction, he said:

. . . it would be very unfortunate to lose the opportunity for utilization of the freeway airspace in projects which would help alleviate the consequences for people of the freeway program such as the loss of low-income housing, destruction of neighborhood parks, and increased parking congestion. Utilization of freeway airspace for commercial facilities could also produce needed jobs and revenues for the District. [*Congressional Record-Senate*, July 29, 1968, pages 24038]

Awaiting Presidential Action

Congress was moving through bills it could complete before adjourning for the political conventions to nominate presidential candidates for the November election.

The District of Columbia Appropriations Act, 1969, was one of the bills. The conference report on the bill reached the House floor on August 2. Chairman Natcher had prevailed regarding funding for rail rapid transit.

In response to an inquiry from Representative Gross, he told his colleagues that the District had requested \$27,574,000, but the committee with jurisdiction over WMATA had reduced the amount to \$21,886,000. He explained that while the committee believed the District needed freeways and rapid transit, "under no circumstances would we recommend to the House a rapid transit system cost, under the authorization, \$431,000,000 when they have stopped the freeway system":

Both systems are important and will benefit our Capital City. As soon as the freeway program goes underway, beyond recall then we will come back to the House and request that construction funds for rapid transit be approved.

There is no money in this bill for construction for rapid transit.

The Interior Department appropriations bill for FY 1969 included "a stipulation to the effect that the share of the Federal Government would not be appropriated and would not be expended until the District of Columbia's share was forthcoming." It would not be forthcoming until the freeway system was under construction beyond recall.

In view of Representative Gross's concern about the cost of the transit plan, Chairman Natcher said that when Congress approved the 25.3-mile bill, those in charge of the bill claimed the bobtail system would cost \$431 million, with the District providing \$50 million and the rest to be raised by bonds:

That is the subway that was authorized by the Congress.

I want the distinguished gentleman from Iowa to know that on March 1 of this year this agency agreed to a subway [system] that would entail a total cost of about \$2.5 billion.

He assured Representative Gross that WMATA would have to come back to Congress to secure approval of the higher amount.

The House approved the conference report without a recorded vote. The Senate approved the bill, also without a recorded vote, the same day. [Conference Report on H.R. 18706, District of Columbia Appropriations 1969, *Congressional Record-House*, August 2, 1968, pages 25024-25025; District of Columbia Appropriation Bill, 1969-Conference Report, *Congressional Record-Senate*, August 2, 1968, page 24976]

At home in Texas, President Johnson signed the appropriations bill into law on August 10, 1968 (P.L. 90-473). He issued a signing statement, but did not discuss the freeway-transit aspect of the bill.

To Veto or Not to Veto

By then, objections were being raised about the Federal-Aid Highway Act of 1968 because of Section 24, its provision on the District freeways.

Secretary of the Interior Udall, almost immediately after congressional action, said he might recommend that the President veto the bill. “Yes,” he told reporters at a press conference, “it’s a possibility.” He objected to the Three Sisters Bridge, but his concern went beyond that. Highways should be a local decision, and it was “most unfortunate” to have Congress dictating construction. “There’s not a single Congressman – and I was a Congressman – that wouldn’t be outraged if Congress passed such a bill in his city,” telling the city “how and where and when” to build a highway.

He acknowledged that congressional meddling in the District of Columbia was “a burden this city has to bear” in the absence of home rule, but the idea “raises a very serious question of policy that was hardly discussed during consideration of the highway bill by Congress.” He added:

Most Congressmen don’t give much of a damn about conservation values. Unless people get in and fight, good projects [sic] will be damaged by highway projects in the wrong places.

MacClane of the D.C. Federation of Civic Associations sent a telegram on July 31 urging President Johnson to veto the bill. [“Udall Hints He’ll Urge Veto of Highway Bill,” *The Washington Post and Times Herald*, July 31, 1968; “Udall Studies Call for Veto Of Road Bill,” *The Evening Star*, July 31, 1968]

On August 5, the *Post* published a letter from Representative Machen responding to the July 15 Pearson-Anderson column insinuating that he supported the legislation because of contributions

from the highway lobby. (The column included him in a list of area Members of Congress who helped Chairman Kluczynski pass the bill as it was being “rammed through” the House Public Works Committee and the House.) He wanted to make clear that he fully supported construction of the District freeway system as part of a balanced transportation system. The provision in the 1968 Act “will benefit hundreds of thousands of highway commuters in the area and prevent the city from being choked to death because of a lack of highways.”

The decision to withhold appropriations for the District’s matching share of transit construction “points up once more how strongly we in the Congress feel about the need for a balanced transportation system in the District.” He concluded:

The only “lobbyists” I have had any contact with on this matter have been my constituents and they are tired of the inadequate access which the current transportation system affords to the city. I voted for the Federal Aid Highway bill because I believe the District needs a balanced transportation system. [Representative Machen, Hervey G., “Rep. Machen on Highways,” Letters to the Editor, *The Washington Post and Times Herald*, August 5, 1968]

Representative Machen’s letter prompted a reply from MacClane. “Mr. Machen’s point of view is completely the opposite of the writer’s.” MacClane had “no apologies for my determined stand against the construction of the Three Sisters Bridge and the North Central Freeway”:

Though I am totally opposed to the above projects, if the District is forced to proceed with this construction I would then be opposed to building the subway – a project which I am 100 per cent in favor of – because the population of the metropolitan area is not large enough to support a subway system in competition with a freeway. Any attempt to build both projects would create a white elephant of greater dimension than Dulles Airport. I am sure Mr. Machen would vigorously oppose a freeway that would uproot his constituents unless he desires to be an ex-Congressman. [MacClane, Edward J., “Against the Freeways,” Letters to the Editor, *The Washington Post and Times Herald*, August 8, 1968]

By contrast, *Post* editors supported the provision in the 1968 Act. “At long last, the impasse over the District of Columbia’s freeway program appears to be broken.” Barring a “veto that is unlikely and would be undesirable,” construction could begin within 3 months. “This should clear the way for resolving the rest of the freeway controversy and for making a start on the area’s subway system.”

The editors agreed with Senator Cooper that Congress did not possess the expertise to dictate highway locations and ought to leave those decisions to local officials:

But under the circumstances that have stalled the highway program in this city for years, Congress had little choice. It either had to spell out the details of the highway program itself or run the risk of another round of indecisive meandering in the city’s bureaucratic maze.

Beyond the four freeway segments ordered to construction, the city would have 18 months to resolve difficult issues associated with the remainder of the freeway system. “Thus it is time for Mayor Washington and all the rest of those officials and agencies who have a hand in the transportation problem to sit down and get on with their work.” The legislation strengthened their hand by placing the primary responsibility on them “for keeping control of fundamentally local problems in the hands of local government.”

The editors anticipated that as soon as construction began, “the House of Representatives will honor the commitment of several of its members to provide funds to start work on the subway.” They were troubled by the colloquy between Chairman Natcher and Representative Gross during consideration of the District appropriations bill for 1969 on August 2. It suggested that “the subway system, as current planned, is still in trouble”:

Some Congressmen seem to have failed to grasp the fact that the Washington area has to be treated as a whole in planning transportation and want to return to the idea of a small subway system stopping at the District borders. That idea might have had some merit in 1940 or even 1950 when the District was more than half of the area’s population. But now that the District has less than a third of the population (and its share is shrinking steadily), the subway system must be a regional one if it is to have a substantial impact in reducing the need for even more freeways. [“Congress and the Freeways,” *The Washington Post and Times Herald*, August 6, 1968]

The District government was seriously considering whether to ask President Johnson to veto the bill. Chairman Hechinger was working on the question with Mayor Washington, who had not decided what the city should do. “However,” the *Star* reported, “other sources reported city officials are going over the text of a proposal that recommends a veto”:

In the document now under consideration, the city raises strong objections to the House-originated action that would force the city to begin construction within 30 days after the bill goes into effect.

“Officials have been going over the language of the statement because there is some pretty strong stuff in it,” one source stated. “And there is the dual problem of the city presuming to tell the President what to do and also of asking him to kill an otherwise good bill.” [“District May Propose Veto of Highway Act,” *The Evening Star*, August 7, 1968]

Lee Flor and William Grigg, writing in the *Star*, worried that the bill “created some informal deadlines which transit and highway planners may have trouble meeting. The result could be a deadlock, with no start of the rapid transit system this fall, and more problems for the bitterly opposed Freeway [sic] construction program.”

If the provision is retained and the bill is approved, the District would have 30 days to advertise the freeways for construction:

This means the District could have only a few days after the signing of the bill before it would have to convince Natcher that the freeway projects were under way “beyond recall.”

As a practical matter, the District normally would need several weeks to prepare PS&E for the contracts, then allow time for contractors to submit bids, for the bids to be reviewed by the District and FHWA, and the contracts awarded. Other obstacles to meeting the 30-day mandate included the prospect that freeway opponents might seek an injunction to block local action. Further, although the provision waives Federal laws and court orders, the Johnson Administration “apparently is not absolutely bound to obey this legislative edict.”

Another issue was that Arlington County could go to court arguing that I-266, which was to cross the Potomac River on the Three Sisters Bridge, required land from Spout Run Park. Partly because of that encroachment, the Department of the Interior was expected to ask President Johnson to veto the bill.

Arlington County Board Chairman Thomas W. Richards had sent a telegram to President Johnson urging a veto. The bridge, the telegram stated, “would mean the loss of much of the beautiful Spout Run Parkway in Arlington and would mar the beauty of the Potomac Palisades.”

The result could be that any hope that WMATA had for a groundbreaking on the subway in October could be frustrated simply by timing. [Flor, Lee, and Grigg, William, “Federal Road Bill Deadlines Pose New Peril to Plans,” *The Evening Star*, August 11, 1968; Griffiths, Harriet, “Arlington to Study Moves In Three Sisters Bridge Suit,” *The Sunday Star*, August 25, 1968]

Chairman Gleason, a member of the Montgomery County Council, addressed the impasse during an August 13 council meeting. According to *The Baltimore Sun*, “Barely hiding his anger and frustration at the last-minute congressional refusal” to appropriate funds for the subway, he said, “there is no rational judgment that would dictate holding up one form of transportation for another.” Meeting with Mayor Washington and Secretary Boyd, he had told them that “we believed that Congress was not kidding” when it passed legislation to mandate freeway construction and refused to approve District matching funds for Metro. He planned to meet with area Members of Congress on August 16 to seek help in freeing the funds. [Rovner, Sandy, “Funds Sought For Subway,” *The Baltimore Sun*, August 14, 1968]

On August 16, Mayor Washington and Chairman Hechinger sent a letter to the Bureau of the Budget urging that the Federal-Aid Highway Act of 1968 “not be approved.” The letter did not use the word “veto” but was, according to Lee Flor, “stronger than a first draft which was prepared Thursday.” The stronger language, he said, was “stimulated by citizen reaction to reports of the first draft.” He added that NCPC “reportedly has taken a similar position.” [Flor, Lee, “Mayor Asks For Veto of Roads Bill,” *The Evening Star*, August 17, 1968]

At the strategy session convened by Chairman Gleason on August 16, area Congressmen agreed to fight for release of the subway funds, but warned that a presidential veto of the Federal-Aid Highway Act of 1968 would result in further delay in subway construction. Representative Broyhill said that Chairman Natcher and his allies on the District appropriations subcommittee

were “determined that the subway system is not going to be used to block the Three Sisters Bridge or other highway projects.” Chairman Natcher might move on the funds if President Johnson signed the bill, but “if the President vetoes the bill, we might as well forget any appropriations . . . this year” for rail rapid transit.

Representative Gude agreed that a veto “would be disastrous” for Metro in view of Chairman Natcher’s threat, and urged his colleagues to contact President Johnson, as he had, to urge approval of the bill. Whatever happened with the bill, he joined with Representative Broyhill and Senator Brewster in promising to for everything they could to restore the District matching funds.

Representative Broyhill also warned of another peril to Metro, namely WMATA’s approval of the 97-mile rail rapid transit system that would cost \$2.5 billion. Instead of the \$100 million approved for the bobtail system, the expanded network would require \$1.1 billion in Federal construction funds based on the standard UMTA matching formula. He anticipated objections from Members of Congress from other areas of the country who already questioned the increasing cost of the bobtail network. General Graham reminded the group that WMATA’s priority was the bobtail segments the Congress had approved in 1965. [“LBJ Veto of Roads Bill Seen Periling Subway,” *The Washington Post and Times Herald*, August 17, 1968]

By August 18, Lee Flor and Jack Eisen were speculating on the President’s decision based on sources. Flor reported that transportation officials did not expect President Johnson to veto the bill, which authorized billions for Federal-aid highway projects around the country, while vastly improving relocation assistance for those displaced by the projects and funding the Highway Beautification Act.

The District decision to ask that the President not approve the bill was based on the language in the bill stating that “notwithstanding any other provision of law, or any court order decision or administrative action to the contrary.” This language interfered with the city’s desire that it decide on the future of the freeway network.

Although the language seemed all inclusive, Flor said that “according to precedent, the administration could ignore the clearly stated legislative mandate”:

For example, in 1949 Congress directed President Truman to create a 58-group Air Force. The President signed the appropriations legislation containing the directive but declared he would only have 48 groups. And the chairmen of the Senate and House appropriations committees backed him up.

Just two months ago, President Johnson signed the omnibus crime bill and told federal agencies not to use the liberal wire-tapping authority contained in the bill, except in cases of national security.

Similarly, the President could direct the Department of Transportation not to carry out the congressional mandate to build the freeway project. [sic]

Of course, such an action would leave WMATA “behind the 8-ball,” subject to Chairman Natcher’s opposition to releasing the District matching funds. Flor suggested that options included asking the House Appropriations Subcommittee to release \$47 million in Federal transit funds already appropriated, minus the stipulation that it could be spent only if Chairman Natcher’s subcommittee voted to approve the matching funds. Alternatively, President Johnson “might give the local subway builders federal money from his own contingency funds, on the grounds the Congress already has voted authorization of the subway.” [Flor, Lee, “Johnson Might Ignore D.C. Freeway Mandate,” *The Sunday Star*, August 18, 1968]

Eisen reported strong speculation that President Johnson might pocket veto the bill “rather than get caught in a three-way crossfire among District, road-building and conservation interests.” Normally, if a President does not sign a bill within the 10-day Constitutional period (Sunday excepted) after receiving it, it becomes law. Of course, he could veto the bill, send a message to Congress explaining his objections, and Congress could override the veto by two-thirds votes in the House and Senate, or fail to do so, thus killing the bill. However, if the President were to take no action within the deadline, but Congress had adjourned, the bill would not become law unless Congress, when it returns, passes the bill again and presents it to the President again for signature.

This non-action, known as a pocket veto, was possible in this case because on the 10th day (not counting Sunday) after the White House received the bill, August 23, Congress had adjourned for the presidential conventions and its annual August recess. A pocket veto would kill the entire bill, but Congress could pass the bill after returning without the troublesome provisions.

Eisen reported:

Unconfirmed but persistent reports circulated yesterday that both Transportation Secretary Alan S. Boyd and Interior Secretary Stewart I. Udall, whose domain includes the National Park Service, had asked the President to reject the measure.

He described the city’s letter asking that the bill “not be approved”:

The final language, omitting the word “veto,” lent credence to the speculation over a pocket veto. The possibility was mentioned by both backers and opponents of the bill.

Transit backers feared a veto would kill any chance that Chairman Natcher would release the District matching funds for the bobtail system. They were worried that the letter from Mayor Washington and Chairman Hechinger “would stiffen Natcher’s resistance to any subway money this year.”

The mayor’s objections, Eisen reported, centered on the requirement to build the four freeways “precisely as planned earlier, without leeway for changes he thinks are desirable”:

A key highway official said, however, that he was certain that route or design changes could be made administratively to accommodate the problems that concern the Mayor.

Sammie Abbott said that ECTC approved the letter from Mayor Washington and Chairman Hechinger because it proved “they are not political eunuchs.” He warned that ECTC would mobilize citywide efforts to block construction if President Johnson signed the bill. The group also would go to court to test the constitutionality of congressional action overriding a decision by the U.S. Court of Appeals:

Abbott attacked Natcher’s transit fund freeze as “blackmail,” or more appropriately “whitemail,” since it attempts to coerce Washington’s Negroes into supporting disruptive roads [that would benefit white suburbanites]. [Eisen, Jack, “Pocket Veto Is Hinted If President Wants To Kill Highway Bill,” *The Washington Post and Times Herald*, August 18, 1968]

Star editors had a different reaction to the letter. In the leaked draft on Thursday, August 15, Mayor Washington “had wisely refrained” from calling for a veto “until the very last moment”:

By late Friday, in a switch that surprised a number of other city officials, he decided to ask that the bill be “not approved.”

We are surprised, too – and disappointed. For the mayor’s performance is inimical to the best interest of this community.

Why this change of heart? According to one source, the mayor caved in to arguments that the directive (1) would authorize certain projects that might better be discarded or revised, (2) would increase “dissension” within the local community and (3) would undermine the city government’s right to make its own “self determination” as to the future of the freeway program.

Congress, however, knew that “left to its own devices,” the city had no reason “to get a balanced transit-freeway system.” At least under the three-commissioner government of years past, the commissioners tried to overcome the obstacles blocking the freeways. Under the mayor-city council government, the obstacles “have grown worse.”

Congress had not dictated a new freeway network, but only ordered construction of the long-planned network, with “considerable planning flexibility” on some controversial segments. The editors stated that “the President should not hesitate to sign the highway bill this week, and to instruct his subordinates, both District and federal, to cooperate with the Congress in a spirit of good faith.” [“Wrong Move,” *The Evening Star*, August 19, 1968]

The editors of the *Post* agreed. “Although the issues involved are not simple, it seems that the weight of arguments is in favor of Presidential approval of the bill insofar as his decision rests on the impact the bill will have in Washington.” Perhaps Congress exceeded its ordinary limits and expertise in mandating construction of specific freeways:

But the situation in the District is hardly an ordinary one and it is hard to blame Congress for wanting to settle a question that the various official bodies in the District have been unable to settle even after a decade of argument.

The editors disagreed with city officials who believed that Congress was infringing on their authority. "It would be precisely that if the present city government were responsible for the mess in which the freeway program is now entangled." The present city government did not exist when the mess evolved to the present moment.

Unfortunately, the editors wrote, the freeway situation was combined with the subway in view of congressional action to deny access to District matching funds. "There is no reason why the two should be linked except for the history of indecision in the District." While the linkage lasted, "every indication that the District government will drag its feet on freeways is simply an additional incentive to delay in starting construction on the subway as well." Unless both were begun and additional downtown parking provided, "the District will have a traffic problem in the foreseeable future that will make the one in New York City look simple." ["Freeways and the President," *The Washington Post and Times Herald*, August 20, 1968]

On August 20, the city council approved Mayor Washington's request to Congress for a \$30 million supplemental appropriation for FY 1969. Of this amount, \$21.8 million was for the District matching share for rail rapid transit construction, while the balance was to initiate the Fort Lincoln urban renewal project. During consideration of the request, council members discussed the city's action in asking President Johnson not to approve the 1968 Act. Schuyler Lowe, the former city budget official who was now with WMATA, told the city council that a veto would "create a very critical situation" with subways and Chairman Natcher. "We certainly would hope that somehow, some way, we could work out an arrangement" to begin subway construction if President Johnson were to take the city's advice to not approve the bill.

Councilman Turner, the former official of the Highway Users Conference, recalled that the city council had unanimously favored the city's draft bill giving the city government the authority to decide the fate of the freeway system. Congress had, he reminded his colleagues, refused to accept the proposal. Now, a presidential veto "may cause a deterioration of the relations between the D.C. government and Congress."

Councilwoman Shackleton said that "freeways should not be tied up with the subway system." Vice Chairman Fauntroy argued that, "Whenever you employ blackmail you are going to have a deterioration of relations."

The *Star* reported:

Meanwhile, sources indicated last night that the District actually sent two letters to the Bureau of the Budget last week. The first letter, reportedly sent Thursday, merely said the District could not approve of the highway bill.

The second, sent Friday and pre-empting the first, urged the President to "disapprove" the measure. The two letters, and two polls of council members by Chairman John W. Hechinger, caused considerable confusion among council members.

Turner was known to have been angered by the veto posture. But several of his colleagues said they believe the eight other council members favored recommending veto.

The vote on the Thursday letter had been 5 to 3, with Vice Chairman Fauntroy out of town. The vote on the Friday letter had been 5 to 4. [Sarro, Ronald, "Restore Cut Funds, D.C. Asks Congress," *The Evening Star*, August 21, 1968]

Action on the 1968 Act

President Johnson left Washington for his Texas ranch on August 23, still undecided what to do about the Federal-Aid Highway Act of 1968. His press secretary, George Christian, told reporters that President Johnson still had "some individuals he needs to discuss it with." If he did not act by 12:01, August 24, the bill would be pocket vetoed. ["President Acts Today On Freeway Program," *The Evening Star*, August 23, 1968]

President Johnson almost decided against signing the bill, largely because of Section 23. At his Texas ranch on the evening of August 23, he signed the bill without ceremony. In a lengthy statement released on August 24, he said:

In this review, I have weighed the bill's positive and progressive features against its shortcomings, the range of executive actions we might take to ease some of its burdens, and the time yet remaining in this session for Congress to correct its drawbacks.

On balance, he decided to sign the bill, which he said was in many respects "the most important highway authorization bill since the start of the interstate program over a decade ago."

He listed some of the bill's positive features:

It authorizes funds to carry the program through 1974, enough to assure the construction of many thousands of miles of roads. These highways can forge new links to more of our cities, serve America's growing transportation needs, and open up new avenues of convenience for millions of citizens. This measure also deals more effectively and more humanely than any previous measure with a modern dilemma – the problems created by roadbuilding in or through our cities. It shows, in these provisions, more of a concern for our citizens than for concrete.

- Families – particularly the poor – who are displaced from their homes by highway projects will receive the assistance they need in moving to other dwellings.
- Authority to acquire new rights-of-way in advance can help assure that highways in the future will be better planned, less costly, and cause the least possible disruption to local residents and businesses.
- Funds to institute innovative measures to improve traffic flows will mean less congestion in city streets.
- A new test program providing fringe parking away from crowded business districts will further improve the movement of traffic.

- Highway planners will be required to consider social and environmental factors in determining the location of urban highways--thus preserving many neighborhoods from the bulldozer and the wrecking ball.

-- More effective equal employment opportunity in the highway construction industry will bring jobs to Americans of all races.

He objected to several features of the bill:

By far the most objectionable feature in the bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes within the District as soon as possible – with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development – to permit the local government and the people affected to participate meaningfully in planning their transportation system.

He acknowledged the unique status of the District of Columbia under the Constitution. He understood the desire of Congress to build the highway system:

But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

The factor that allowed him to sign the legislation was the requirement in Section 23(a) that, “Such construction . . . shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.” These requirements, the President said, prevented the Secretary from approving construction unless funds were available, all right-of-way could be obtained, the projects are appropriate links in a comprehensive transportation plan, and other requirements of sound highway construction are met. He continued:

I have therefore directed the Secretary of Transportation promptly to convene the representatives of all interested executive agencies to support the Government of the District of Columbia in developing a comprehensive plan for a D.C. highway system. This plan should:

- Promote the rapid movement of traffic in the metropolitan area.
- Protect the people and neighborhoods affected by the new roads.
- Recognize the city’s needs for expanded parking facilities.

I have asked the Secretary of Transportation and the mayor of the District of Columbia to make certain that the plan is developed in sufficient time to have portions under contract prior to January 1, 1969.

President Johnson said he objected to other provisions of the 1968 Act as well. It would:

- Seriously weaken the pioneering effort to beautify America’s highways by depriving that effort of the funds it needs, and by diluting the billboard removal provisions of the present act.
- Remove the protection we have given in the past to many park lands that should be preserved for the families and children of America.

- Extend the interstate system by 1,500 miles without any serious study of the type of major highway program we will need after we complete the present system in 1974.

His statement concluded:

I believe the good in this bill outweighs the bad. I believe that the progressive steps we are taking here will permit us to improve the highway program in urban areas, and make it more responsive to the needs of the people who live there. I hope that the Congress will assist the executive branch in moving further in this direction, and in amending the undesirable features of this bill.

On August 24, Secretary Boyd met with Mayor Washington, Chairman Hechinger, and Deputy Mayor Fletcher for over 2 hours, then joined Mayor Washington for a joint press conference. The Secretary did not consider Section 23 of the 1968 Act to present the type of comprehensive plan President Johnson had called for:

I do not consider that a comprehensive plan for the District exists. Both the Department of Transportation and the District of Columbia are keenly aware of the need for a comprehensive freeway system within the District. It will be developed and work will be started on aspects of it before January 1.

He directed Administrator Bridwell to meet with Fletcher, beginning the following day, to develop a comprehensive plan for Washington's transportation system.

He declined to promise funding for the projects or say whether he thought the projects might not be built in accordance with the congressional action. "At this point, that would be speculation." He did say, however, that "various elements of the comprehensive plan will shake out" while work on the comprehensive plan was underway, and that the District could implement those elements before the overall plan was completed.

As for the Three Sisters Bridge, he said his opposition had been overstated:

I have never opposed construction of the Three Sisters Bridge. I only did to the extent that there is not a comprehensive plan. I will be at least mildly surprised if the comprehensive plan does not include a bridge in the Three Sisters Island area.

Reporters asked Secretary Boyd if public hearings would be part of the process. "I would be quite confident that there would be public hearings."

Mayor Washington said he considered the President's message was "a mandate to move ahead with a comprehensive system We are hopeful we . . . can afford as much citizen participation as possible in the planning process." His goal was to work out the highway system "within the framework" of the legislation. They would proceed "with as much input as possible" from the public.

NCPC's role was unclear. "I don't think we can tell you at this point what our plans are. Our consistent position has been that we wanted to assure citizens' participation that would be

meaningful.” He declined reporters’ request that he express his “personal opinion” on the freeways.

As for Chairman Natcher, Secretary Boyd said he was “optimistic” about resolving the dispute that was delaying matching funds for the rail rapid transit system.

According to a *Post* account:

Department of Transportation aides reported the possibility of a compromise plan that might shift the routing of the four segments, while keeping their starting and finishing points at relatively the same places.

Such a compromise would probably involve a new routing of the controversial North Central Freeway, which has aroused protest from Northeast residents who are in its path.

Further:

The clear impression left by the press conference was that Department and City officials have decided that, legally, they could defy the wishes of Congress and delay, alter or even drop any of the four disputed projects.

But whether they can afford to do so tactically is another question.

By contrast, Chairman Kluczynski told reporters by telephone from Chicago, “The District won’t get a dime for a subway until it does what we want it to do on highways.” District officials had to “report to us, and we’ll take a look at what they’re doing.” [Hoagland, Jim, “Johnson Signs Road Bill, Provides D.C. Loophole,” *The Washington Post*, August 25, 1968; Sarro, Ronald, “Roads Plan Is Clouded Despite OK,” *The Sunday Star*, August 25, 1968]

Neither the *Post* nor *Star* editors appreciated these developments. A *Post* editorial pointed out that “all the laboring of Congress to force the District to start building freeways and all the wails about local self-determination of freeway locations seem to have been in vain.” The President’s call for a comprehensive plan meant that if the highways Congress had ordered the District to build weren’t in the plan, “they will not be built.”

The best that backers of rail rapid transit could hope for was that the city would meet the President’s January 1 deadline. However, that means “a start on the subway next year instead of this fall”:

The worst, of course, is that some Congressmen will consider this interpretation of their work so strained and so arbitrary that they will attempt to kill the subway in retaliation.

The burden on city officials was “extremely heavy” because “the history of freeway planning” meant that the January 1 deadline “would seem impossible to meet.” To meet it, “there will have to be much more action and much less quarreling than there has been”:

For if the District misses this chance to plot its own course, either it will have a freeway plan imposed upon it by Congress or it will be doomed to do without either freeways or subways and die a death of automotive strangulation.

Summarizing the President's signing statement and Secretary Boyd's comments during his press conference, *Star* editors wrote, "So it's back to the drawing board, boys, for the latest of a seemingly endless series of runs through the planning wringer."

In defying Congress, President Johnson had at least "stated unequivocally that freeway construction contracts of some sort should be let by the end of this year." Secretary Boyd and Mayor Washington had "pledged that their new plan would likewise be finished by then."

The editors took issue with Secretary Boyd's comments on the Three Sisters Bridge:

Boyd, in answer to a question, further commented that he would be "mildly surprised" if the plan did not include a Three Sisters Bridge. We are mildly surprised, too, for the secretary has made no such assertion, in even the most tentative terms, previously.

The editors were skeptical that Chairman Natcher would advance the transit matching funds:

The trouble is . . . that we have been at this point in the freeway controversy before – on countless occasions. Whenever in recent years firm freeway decisions appeared imminent, the administration's unvarying response has been to discover a sudden, urgent need for further planning.

They also were not reassured that President Johnson gave Secretary Boyd responsibility for determining "appropriate" links in the system:

For the secretary's previous assessments of the sorts of freeway which are "appropriate" in Washington have not been worthy of support.

Whether the so-called comprehensive plan would "satisfy the need for a reasonably adequate system" boiled down to "whether Mayor Washington is willing to insist upon such a goal, and to stand his ground against very strong pressures."

The editors hoped that concern for the District's welfare would prompt Congress to free the matching funds for initial rail transit construction instead of continuing to hold the funds hostage to freeway construction:

Both these systems are desperately needed, and the newly-ordered freeway delay is a severe disappointment. But Congress can and should maintain its pressures in behalf of freeways without further penalizing, at this time, the transit program which is fully ready to proceed. ["District Freeways," *The Washington Post and Times Herald*, August 25, 1968; "More Delay," *The Evening Star*, August 26, 1968]

Reaction to President Johnson's decision to approve the 1968 Act continued to come in. Sammie Abbott expressed "disgust and anger" at the decision after a meeting of ECTC. During the

meeting, ECTC Chairman Booker denounced the congressional action as “cowtowing before the highway lobby and financial contributors.” Legal action was under consideration based on constitutional and racial aspects of the freeway program. ECTC also would hold neighborhood meetings to rally support for forcing District officials to reject the freeways.

Abbott said:

We feel this action is in line with the clearly-expressed mandate of the voters in the recent Democratic primary when by a 19-1 margin of some 93,000 votes to 4,000 they demanded the right of citizens to decide by referendum whether or not freeways should be built within the district borders.

In a statement issued before the Boyd-Washington press conference, Representative Gude said he was pleased by President Johnson’s decision:

This means a green light for both mass transit and freeways for the Washington, D.C., metropolitan region. Now the District government can promptly return to the construction of its modern road system.

I shall continue to press for the appropriation of mass transit funds.

Meanwhile, Arlington County was thinking about new legal steps in what the *Star* called “its long-pending suit to block the proposed Three Sisters Bridge.” County officials would decide whether to amend the suit filed 2 years earlier or seek an immediate injunction blocking bridge construction until the suit is settled. [Griffiths, Harriet, “Arlington to Study Moves In Three Sisters Bridge Suit,” *The Sunday Star*, August 25, 1968]

Bridwell and Fletcher had a luncheon meeting on August 26, after which Fletcher told reporters he expected that new freeway plans and “meaningful alternatives” would be presented to the city council in 60 to 90 days. The plan might differ from past plans, Fletcher told reporters. The Three Sisters Bridge might be dropped, but a new Potomac River crossing was a necessary component of a new plan.

The city council would then hold public hearings and vote on the plans before the city presented a “comprehensive plan” to the Department of Transportation for approval. In considering new “criteria of land use and transportation,” city officials were not “limiting ourselves in our thinking to any prior plans.” Fletcher added that the Department of Transportation “feels it is basically a District responsibility – basically a local decision.”

A reporter asked Fletcher if he thought the city was taking advantage of the Title 23 loophole in Section 23. He did not think so. “It’s a clarification.” As for Chairman Natcher’s threats, Fletcher acknowledged that the plans outlined at the press conference would not meet the “beyond recall” test for releasing the matching funds. Nevertheless, he hoped the funds would be released. “I don’t anticipate the subways suffering at all.” [“New D.C. Freeway Plans expected in 60-90 Days,” *The Evening Star*, August 27, 1968; “Freeway Replanning to Begin at Once,” *The Washington Post and Times Herald*, August 27, 1968]

Negotiating with Lame Ducks

On March 31, President Johnson had stunned the Nation by announcing he would not seek reelection, but would instead devote his time – unsuccessfully as it turned out – to seeking an end to the war in Vietnam. His announcement set off a scramble within the Democratic Party to select a nominee for the November election. Vice President Hubert H. Humphrey gained the nomination to run against former Vice President Richard M. Nixon.

In the meantime, District officials would have to negotiate with Secretary Boyd and Administrator Bridwell, neither of whom was likely to be around after January 20, 1969, to comply with President Johnson's deadline of January 1 for the start of construction. At the same time, officials would have to be ready to negotiate with an unknown new team that might well want to examine the issues on its own.

When Congress resumed work on September 4, District officials hoped for movement on several important bills, including the request for matching funds in a supplemental appropriations bill that would allow WMATA to begin construction of the rail rapid transit system. That was unlikely, according to the *Post*, unless Chairman Natcher and his allies would “accept a good-faith promise that there will be no further delay in freeway planning.” Other pending bills that would die at the end of the session, unless approved, included the parking and air rights bills. [“District Bills Face Approval,” *The Washington Post and Times Herald*, September 2, 1968]

On September 12, NCPC promised that as part of its Year 1985 Comprehensive Plan, it would adopt a tentative “Major Thoroughfare Plan” on November 7 and a final freeway, rapid transit, and land use plan on December 5. This schedule was in keeping with President Johnson's call for construction to be underway before January 1. As Lee Flor pointed out, the schedule was “expected to be controversial because it will allow only two months for freeway opponents to fight a final decision on where to place disputed projects which have been bitterly fought in the last 10 years. [Flor, Lee, “Freeway Plan Act Set In November,” *The Evening Star*, September 12, 1968]

On September 13, Councilmember Turner, the highway advocate, resigned unexpectedly from the city council “to become active in the campaign on behalf of Vice President Humphrey.” President Johnson nominated 36-year old Philip J. Daugherty to complete the remainder of Turner's term, subject to Senate confirmation.

Other council members were surprised by Turner's departure. “I just heard about it,” said Chairman Hechinger. He was disappointed that his “longtime friend” was leaving the council. Vice Chairman Fauntroy, who was at odds with Turner over freeways, said the resignation was “unbelievable,” while Councilman Yeldell refused to believe it when a reporter asked for comment. “That's inconceivable,” he said.

The *Star* recalled one moment during Turner's service:

One of Turner's most dramatic moments as a councilman came last spring when he had a shouting confrontation with militant members of the anti-freeway Emergency Committee

on the Transportation Crisis. Turner nearly had to be restrained as he rose and shook his finger at committee sparkplug Sammie A. Abbott.

Turner's successor, Daugherty, was a staff representative with the Office and Professional Employees International Union in the District. He said, "I would be very happy to accept" when informed of the nomination. Like Turner, Daugherty was white, thus preserving the racial balance on the city council. In many ways, Turner and Daugherty had similar backgrounds, as the *Star* pointed out:

Besides physical likeness, their backgrounds are nearly carbon copies, so much so that it seems almost fitting that Philip Daugherty should inherit what appears to be emerging as the "labor seat" on the council.

Daugherty grew up in a union family. He graduated with a degree in industrial relations from St. Francis College in Loretto, Pennsylvania, which he attended on a football scholarship. After arriving in the District in 1956, he studied law at Catholic University. He lived with his wife, three sons, and a daughter in a two-story brick home at 4612 Fessenden Street, NW., in the American University Park section of the District close to the Maryland/District line. ["Turner Quits Council; Daugherty to Fill Post," *The Evening Star*, September 13, 1968; Delaney, Paul, "Daugherty Is Like Turner," *The Sunday Star*, September 15, 1968]

When the Senate District Committee held a confirmation hearing on September 25, Bruce J. Terris, chairman of the District Democratic Central Committee, testified against Daugherty's confirmation. Daugherty, Terris said, had advocated the slate of Democratic leaders who were defeated in the May 7 primary. He was "committed to the ideas of the past." Moreover, Terris objected to the way President Johnson had appointed him without consulting the party or anyone else in the District. He added, "I disagree that there should be a labor seat" on the council. He would prefer to see representation for welfare mothers and the poor.

Senator Morse described Terris's arguments as "inconsequential and immaterial." Moreover, he told his colleagues on the committee that he had recommended Turner and Daugherty to President Johnson when he was assembling the city council.

The committee approved the nomination on October 8, and the Senate confirmed Daugherty without discussion by unanimous consent. Daugherty took his oath of office on October 18. [Griff, William, "Terris Testifies Against Okay Of Daugherty," *The Evening Star*, September 25, 1968; "Senate Oks Daugherty For City Council Seat," *The Evening Star*, October 9, 1968; District of Columbia Council, *Congressional Record-Senate*, October 9, 1968, page 30144]

Air Rights For City Streets

On October 6, 1967, Director Airis met with the Mid-City Housing Alliance, a citizens' organization of the Washington Urban League that contended that the freeways that were not scheduled to be tunneled would displace up to 1,700 residents. The group proposed that portions of the Center and North Legs of the Inner Loop Freeway be tunneled under New York Avenue between Mount Vernon Place and the Baltimore and Ohio Railroad tracks.

“The rub,” Airis said, “is that not all of this section can be tunneled, and some homes will probably be torn down on the north side of New York because an eight-lane freeway is wider than the avenue. He said he would present the group’s proposal to NCPC.

Thomas Appleby, RLA director, told the group that if the Northwest I urban renewal project could be extended, air rights housing could be built for freeway displacees. [“Airis Cites ‘Rub’ In Loop Tunnel Plan,” *The Evening Star*, October 6, 1967]

On October 12, NCPC approved construction of low- and moderate-income housing on a deck over the Center Leg Freeway. Northwest I would be extended, RLA would buy the additional land, and turn it over to the highway agency. The highway agency would build a double deck of concrete above the freeway between H, K, 2^d, and 3rd Streets, NW. This was the area that Engineer Commissioner Duke had set aside for a pilot project several years earlier. RLA would put 325 apartments and an acre of recreational space on the top deck, 30 percent of which would be public housing. The lower deck would provide 144 parking spaces.

The *Post* explained how this decision affected routing:

The decision will also affect the alignment of the last section of the K Street tunnel. The tunnel would have linked the Center Leg, which will terminate at New York Avenue, and the North Central Freeway, which will end at Rhode Island Avenue.

Highway Department engineers said yesterday that the only feasible route for the tunnel now is under New York Avenue, surfacing near Florida Avenue and going over the Baltimore and Ohio Railroad tracks to Rhode Island Avenue.

By including housing as part of urban renewal, the plan avoided the need for congressional approval of air-rights in the District as part of the highway program. [Hoagland, Jim, “Planners Approve Air-Right Housing,” *The Washington Post and Times Herald*, October 13, 1967]

On December 14, 1967, the Senate had considered Senator Tydings’ two air rights bills for the District:

- S. 1245 allowed the use of space above and below freeways for housing, recreation, or parking.
- S. 1246 provided the same authority for city streets.

With the first session of the 90th Congress prepared to adjourn on December 15, 1967, the Senate passed the two bills without discussion or a recorded vote. [Lease of Airspace, *Congressional Record-Senate*, December 14, 1967, pages 36670-36675]

As the second session began on January 15, 1968, air rights legislation was one of the important District bills awaiting action in the House.

By the time President Johnson approved the Federal-Aid Highway Act of 1968 in August, the House had passed many District bills, but the air rights legislation had not cleared the House District Committee.

On September 5, a subcommittee of the District Committee approved the bill granting air rights authority over city streets. According to an anonymous staff member, the failure to pass the companion bill for freeways stemmed from the view of some subcommittee members that the city already had the authority to use the air rights. They mistakenly thought that congressional authorization to build the Labor Department headquarters over the Center Leg Freeway reflected authority for construction over other freeways. [Grigg, William, "House Unit OKs Building Over Streets," *The Evening Star*, September 5, 1968]

Congress completed the District of Columbia Public Space Utilization Act on October 8. President Johnson signed it on October 17 (P.L. 90-598). Because the House failed to adopt the comparable bill on freeway air rights, the Senate bill died at the end of the 90th Congress.

On November 21, 1968, HUD approved \$6.4 million in urban renewal grants to support RLA plan to acquire additional land in Northwest I to provide air rights housing over the Center Leg Freeway running from H to K Street along a right-of-way between 2nd and 3rd Streets, NW. The estimated cost of the deck was \$2.8 million. RLA Executive Director Appleby said, "This is a major breakthrough and is the first time, to my knowledge, that such a grant has been approved for an urban renewal air-rights housing site." [Lewis, Robert J., "\$6.4 Million Grant Approved For D.C. Air Rights Housing," *The Evening Star*, November 21, 1968; Eisen, Jack, "D.C. Gets Air-Rights Housing," *The Washington Post and Times Herald*, November 21, 1968]

The District Plan

On September 19, Mayor Washington submitted his budget proposals to the city council for FY 1970. "For the first time," Lee Flor reported, "the District is proposing to spend more money for transit than for highways." The budget called for \$19.5 million for the subway (to match \$39 million in Federal transit funds) and only \$3.5 million (matching \$10 million in Federal-aid highway funds) for highway construction. "However, the transit and highway budget proposals have something of an air of unreality." The plans were subject to change by Congress and actions by the city council and NCPC.

First, Chairman Natcher would have to be willing to release the District matching funds for the subway. Basically, "any request for transit money may run head on into the freeway dispute."

The highway funds also were in dispute:

The District also may adopt some new highway plan, in the face of severe pressure from citizen and civic associations bitterly opposed to highways. But because the District needs new authorization for higher taxes for highways in the city, the highway budget is not expected to be increased

[The] District now has slightly more than \$200 million available in federal and District money available for its highway projects, but cannot spend it because of the planning disputes and citizen opposition which have held up some projects. [Flor, Lee, "District Proposes More For Transit Than Roads," *The Evening Star*, September 16, 1968]

As the city and FHWA negotiated in the wake of President Johnson's schedule for freeway plans, the scope of that plan was affected by a legal opinion by the Department of Transportation's Acting General Counsel, R. Tenny Johnson. His opinion, provided to District officials earlier but not made public until October 19, stated that the District and NCPC had limited maneuverability, as Flor summarized:

The legal opinion apparently means that the District and the planning commission do not have much room to maneuver – they will have to select at least one or more of the four freeway projects, if they wish to follow the presidential mandate.

If the planners select any highway projects that were not approved by Congress when it passed the 1968 Highway Act, they apparently would need additional federal legislation
.....

His legal opinion said that: "As a practical matter, it will probably be possible to execute the President's deadline only on portions (of the comprehensive plan for the District) which are determined to be within the descriptions in the document (the 1968 cost estimate for freeways in the District).

Apparently the opinion means that the District and planning commission may act only on the four projects by Jan. 1, 1969. After that date, the District and planning commission may get congressional approval for other freeway sections if they are not part of the 1968 highway cost estimate.

In short, the District and NCPC were "in a bind – they can only proceed with the controversial projects, or run the risk of disobeying the President."

Flor discussed the impact of the opinion:

The news of the opinion probably will be viewed by anti-freeway forces as a defeat.

Pro-freeway forces are expected to view the opinion as meaning the District must follow congressional requirements in the 1968 Highway Act.

After reviewing the legal opinion, Secretary Boyd told FHWA officials that it "calls attention to certain legal implications which should be borne in mind in developing and carrying out the comprehensive plan for the District of Columbia." Deputy Federal Highway Administrator John R. Jamieson, who had discussed the legal opinion with Deputy Mayor Fletcher, confirmed to reporters that the opinion hindered changes in the freeway program Congress had mandated. Jamieson said:

In conclusion, the counsel points out that the time established by the President for the construction of part of the system will in all probability limit the construction to route sections designated in the "Federal-Aid Highway Act of 1968." [Flor, Lee, "D.C. in the Middle, Must Act on Roads," *The Evening Star*, October 20, 1968]

Taking the legal opinion into account along with ambitious deadlines announced by President Johnson, the city, and NCPC, *Star* editors wrote:

What all this suggest to us, and we will happily eat our words if we are wrong, is that the President's rosy promise of construction contracts on an adequate freeway program by January 1 didn't mean a thing. And if that is the case, any hope of a logical resolution of this ridiculous controversy will rest after the first of the year with Congress, just as it has before. ["Dubious Deadlines," *The Sunday Star*, October 27, 1968]

In one bit of good news for highway users, the Maryland State Roads Commission announced on November 3 that it had opened the missing ramps of the Pooks Hill interchange on the Capital Beltway. With the opening, traffic northbound on Wisconsin Avenue would be able to access the eastbound lanes of the capital Beltway. By modifying another ramp, the State permitted westbound traffic on the beltway to enter Wisconsin Avenue at Grosvenor Lane to continue north or south on Wisconsin Avenue. ["Pooks Hill Ramp To Beltway Opens," *The Sunday Star*, November 3, 1968]

That same day, newspapers announced that NCPC and the District city council would hold an "unprecedented" joint briefing on November 7 for the public on highway development. NCPC had intended to vote on its Major Thoroughfare Plan for the Year 1985 Comprehensive Plan on November 7, but decided to hold off on considering the plan until mid-December. Lee Flor reported that:

The City Council and planning commission consider the freeway dispute a major obstacle to their efforts to establish a master plan of development for the District. The so-called 1985 Plan has to be completed before the city can embark on major urban renewal projects.

He added that, "The groups have promised to try to completely settle the dispute by Jan. 1."

The briefing would take place in the Department of Commerce Auditorium at 7:30 p.m. First, NCPC staff would present its analysis of the freeway plan, after which the city would provide its analysis of the dispute and demonstrate how its original freeway plan would address congestion.

The two organizations planned a one-sided briefing by officials, without comment from the public. They would follow up with a public hearing in December to receive public comment. A spokesman for ECTC assured reporters that the committee was determined to cross-examine the highway officials at the briefing. [Flor, Lee, "A Public Briefing Set on Freeways," *The Sunday Star*, November 3, 1968]

On November 7, NCPC staff presented the draft Major Thoroughfare Plan to NCPC members, the District city council, and about 200 members of the public, including ECTC and the Committee of 100 on the District of Columbia, at the Department of Commerce Auditorium. The new plan restored the Three Sisters Bridge, rejecting renewed staff consideration of a tunnel, mainly because of the steep grades or the greater length that would be required on the Virginia side.

In addition, the plan projected the full Inner Loop Freeway, including:

- The East Leg along the west bank of the Anacostia River. North of D.C. Stadium, officials might shift the road away from the river to permit construction of the proposed aquatic recreation area at Kingman Lake. Much of the traffic in and out of the city would use the Kenilworth Avenue Expressway east of the Anacostia River and cross the East Capitol Street Bridge, which might have to be widened.
- The South Leg beneath the Lincoln Memorial grounds and the Tidal Basin.
- A tunnel under K Street, NW., and New York Avenue, NE., would replace a route north of Dupont Circle through the heart of the Shaw urban-renewal area. Traffic from the Center Leg Freeway and the K Street tunnel would feed into the tunnel under New York Avenue.

The plan also eliminated I-95 between the District Line and Capital Beltway, with traffic directed along the beltway to the Baltimore-Washington Parkway. The parkway would be rebuilt to Interstate standards to handle the traffic. This routing of the traffic would eliminate the need for a connection between I-95 and the North-Central Freeway in the city. NCPC staff marked the North-Central Freeway for further study, but with the understanding that eliminating it was a possibility.

NCPC also released a proposed Mass Transportation Plan. It largely followed the plan that WMATA had adopted. However, NCPC staff proposed to shift the route planned for 13th Street, NW., north of Massachusetts Avenue to follow 7th Street to U Street. From there, it would follow 14th Street to help revitalize an area that had been damaged in the riots after Dr. King's assassination. NCPC staff also proposed to study a rail route to Dulles International Airport.

To those freeway critics who said the rail rapid transit system could address the city's full transportation job, Charles H. Conrad, NCPC executive director, and Director Airis indicated that the highway plans were drawn with the full rail network in mind. The full rail network was essential to the operation of the freeway system, but inside the city, the freeways were needed to distribute automotive and truck traffic and to free city streets for local traffic.

Lloyd Rivard responded for the District of Columbia. The city wanted to build the North-Central Freeway, not study it. I-95 should be built as planned inside the Capital Beltway, with an interchange with the North-Central Freeway to carry I-95 traffic to Virginia. If the Three Sisters Bridge were not built, Rivard said that traffic would require another bridge to be built elsewhere, possibly near 14th Street. The NCPC staff proposal would put too much traffic on the Anacostia Freeway and, overall, would displace about 1,233 families, compared with 1,100 families under the District's plan.

NCPC and the city council officials announced that they would hold a public hearing on December 4 and 5 to accept comments on the draft Major Thoroughfare Plan of the Year 1985 Comprehensive Plan. The city council would vote on the plan after the hearings.

While the briefing was underway, the crowd was not silent. Jack Eisen reported that:

As the briefing went on, with most of the audience listening attentively, some snickered and shouted comments at pro-freeway statements. They applauded references to the proposed rail rapid transit system and suggestions that National Airport be abandoned.

As the meeting opened, Booker presented ECTC's case against freeways. Referring to the city council as the "lame-duck City Council" in view of the incoming Nixon Administration, he said, "It is not a question of alternate routes or tunneling. It is a question of just no roads at all":

Freeways are simply designed for white people who live in the suburbs. Freeways are designed to destroy the black community, both economically and socially.

This was, he said, "a revolution . . . this is war." The incoming Nixon Administration could expect legal action and street violence if the city proposed to build even one more inch of freeways to serve "honkie suburbanites."

Eisen also pointed out that:

City Council Chairman John W. Hechinger was shouted down when, responding to one question, he said the District must move ahead with at least some parts of the freeway program. He reminded the audience that both the City Council and Major opposed a bill enacted by Congress ordering the construction to proceed.

Lee Flor, in his report on the meeting, referred to the "heckling crowd" that accused District officials of not representing the city's people:

Highway officials were accused of using bogus statistics and transit officials were told they had sold out to O. Roy Chalk in approving any bus fare raise for D.C. Transit . . .

The Rev. Joseph Gipson, chairman of the emergency committee's subcommittee on a bus boycott, said that "we will wipe out D.C. Transit, as God is my witness."

Leslie Logan of Arlingtonians for the Preservation of the Potomac Palisades asked why NCPC staff left the Three Sisters Bridge in the plan. He mentioned President Roosevelt's agreement that parkland would not be used for non-park uses, as claimed in Arlington County's lawsuit:

"We will stop planning if the courts tell us to, and you should ask the Virginia Highway Department about the dispute," District highway director Thomas Airis replied.

In addition, NCPC Chairman Hammer was asked where he thought the displaced families would go. He replied, "I don't know where the people will go. I don't have the responsibility for public housing."

At about 45 minutes into the meeting, as Rivard began describing the city's traffic problem and proposed freeway network, ECTC's Sammie Abbot and Grosvenor Chapman of the Committee of 100 led a walkout of about 75 anti-freeway critics. As Eisen put it, they "stalked out, yelling protests." According to Flor, Chapman eventually returned to listen to NCPC staff presentations.

With the public hearing only a few weeks away, Chapman “charged that citizens were not being given enough time to review the proposals.” [Eisen, Jack, “3 Sisters Bridge Back in New Freeway Plan,” *The Washington Post and Times Herald*, November 8, 1968; Flor, Lee, “3 Sisters Span Plan Revived,” *The Evening Star*, November 8, 1968]

Star editors praised NCPC staff for their thoroughfare proposal. They had abandoned their brief consideration of the “silly scheme” for a tunnel instead of the Three Sisters Bridge. They had also embraced the inner loop concept and endorsed “at least in general terms, each of the projects which Congress has instructed the city to build immediately.”

The briefing “provided a small taste” of what officials could expect from freeway opponents during the public hearing in December. The editorial quoted Booker’s reference to “honkie suburbanites” and demand for no more roads at all. Officials “might just as well be prepared to hear more of this kind of outrageous nonsense, and to deal with it decisively”:

After that, their public obligation is to approve a reasonable, cohesive freeway network – not only to facilitate the orderly movement of automobiles and trucks which otherwise will jam neighborhood streets, but to advance the region’s rail-transit system, as well. [“Hope for Freeways?” *The Evening Star*, November 9, 1968]

Reaction to the draft Major Thoroughfare Plan

The Board of Trade held its 79th annual meeting at the Mayflower Hotel on November 12. During a transportation seminar, T. Murray Toomey, an attorney with the transportation committee, said that freeways and rapid transit were “interdependent in the eyes of Congress.” The board had a “firm commitment to a balanced transportation system of freeways and rail rapid transit,” but the area had experienced a “deplorable lack of progress with the freeway program here.” Even the congressional mandate to begin construction of the freeways had been ignored. He urged business leaders to work to advance the regional freeway system so construction could begin on the Metro bobtail plan.

The most encouraging development in transportation was suburban approval of the bond referendums for transit. These votes were, Toomey said, “a valid and legal expression of approval for rail transit as a metropolitan program.” He referred to a consultant study that concluded that taxpayers would receive \$880 in benefits for every local dollar invested in rapid transit. The Los Angeles-based consultant, addressing the seminar “over the long-distance telephone into a loudspeaker here in Washington,” predicted similar benefits for freeway investment. “There is no question that there will be important benefits.” Lee Flor summarized:

He said the rapid transit and freeway systems serve different purposes, and cautioned that a freeway system could never substitute for a rapid transit system’s function of moving crowds of people in the rush hour. [Flor, Lee, “Businessmen Get Plea To Push Freeway Plan,” *The Evening Star*, November 12, 1968]

On November 16, NCPC distributed material related to its Major Thoroughfare Plan and transit proposals. Included was a letter from General Graham supporting freeways. He was responding

to a request “to comment upon the general question of compatibility between freeways and rapid rail transit.” He wrote, “We welcome this opportunity”:

[WMATA] has consistently maintained that rapid rail transit is a supplement to and not a substitute for alternate modes of transportation. An adequate freeway system and a good bus system are essential to help the rapid rail transit system

WMATA had worked with District highway officials to develop traffic forecasts:

There is no conflict between the freeway proposals and the transit plan. Rather, the two complement each other and often times utilize a joint right-of-way to maximize efficiency and economy.

The philosophy behind the transit system is to provide freedom of choice. Without an adequate transit or freeway system, people will not have that freedom of choice.

Thus, WMATA supports an adequate freeway system and feels that such a system would be compatible with and complementary to a rapid rail system.

Although WMATA is not in position to make specific recommendations on individual segments, it feels that a system in the order of magnitude of the 1968 Interstate Cost Estimate prepared by the District of Columbia would be appropriate to meet the District’s freeway needs.

Traffic projections, Lee Flor pointed out, were important to WMATA because the \$850 million in guaranteed revenue bonds it planned to issue depended on sufficient ridership to convince investors that farebox revenue would be available to retire the bonds.

According to projections “based on a very complicated computer analysis which anti-freeway groups criticize,” 22 percent of all workers in 1990 would use the combined bus-rail transit-subset system. Another 4 percent would use only the buses:

The remaining 74 percent of the people in the metropolitan area will either have to use the highway system because their places of employment are out of the way, or will want to use cars for some personal reason. This is the official traffic forecast, endorsed by both highway and transit officials.

Within the District, about 57 percent of workers will use the freeways.

The background material, including a 29-page analysis by NCPC planners, explained that traffic on I-70S in Montgomery County and I-95 in Prince George’s County would be able to reach downtown Washington from the east on the Baltimore-Washington Parkway by using the Capital Beltway and the Kenilworth interchange.

The traffic from the three freeways and parkway then can go down New York Avenue or over the Kenilworth Expressway, if these two highways are improved, the planning commission staff claims.

Jack Eisen reported that between the parkway and downtown, traffic would use a partly tunneled New York Avenue freeway or a widened double-decked Kenilworth Avenue Expressway. The parkway would be expanded to ten lanes and Interstate standards.

Chairman Wolff of the Maryland State Roads Commission disagreed with the plan to use the Baltimore-Washington Parkway to carry downtown-bound I-70S and I-95 traffic. The plan was, he said, unworkable. He predicted that if the plan were adopted, Maryland would have to widen the Capital Beltway to 12 lanes or more.

Wolff disputed a claim by NCPC's Conrad that Maryland was receptive to taking over the parkway for this purpose. True, Wolff said, Maryland was interested in acquiring the parkway from NPS as a supplement to I-95 and an access road for Friendship International Airport, not to replace I-95. "What would they do to get that traffic into Washington?" he asked. "They are not going to get it to disappear. It will simply overload the existing arterial." Eisen quoted Walter H. Addison, deputy director of the roads commission in charge of planning, as saying the new proposal would "fatten the doughnut instead of the hole." The doughnut, Eisen explained, was the Capital Beltway. Washington was the hole.

As Wolff pointed out, neither NCPC nor District highway officials had consulted Maryland about this plan. Albert A. Grant, technical director of the Washington Regional TPB, said his organization also had not been consulted, despite its responsibility as the MPO for developing the area's 3C transportation plan. He attributed the lapse to the tight schedule President Johnson had imposed. Addison said of the lack of coordination, "They castigate us if we don't plan regionally. But they go ahead and plan us out of the area and don't even talk to us." [Flor, Lee, "Subway Agency Backs D.C. Freeway System," *The Sunday Star*, November 17, 1968; Eisen, Jack, "District Freeway Plan Blasted as Unworkable," *The Washington Post and Times Herald*, November 17, 1968]

On November 18, Addison raised the issue during a planning board meeting, particularly noting the failure by NCPC to coordinate with the MPO. During discussion about taking a stand, Montgomery County Councilman Richmond M. Keeney called elimination of the North-Central Freeway and Northeast Freeway "a travesty." He said, "The time may have been short, but the routes eliminated are vital to the area and are vital to the board."

The board's chairman, City Councilman Yeldell, tried to soften the reaction in view of sensitivities in the District. "I would caution you – request that you handle this as delicately as you can." In the end, the board voted 5 to 1 to take a formal stand in support of the full freeway plan at its December 2 meeting. Yeldell, who cast the lone dissenting vote, appointed a three-man drafting committee of suburban representatives to prepare the formal statement. [Eisen, Jack, "Regional Unit Moves For Showdown on Two Freeway Links," *The Washington Post and Times Herald*, November 19, 1968; Flor, Lee, "Metro Panel Votes 5 to 1 For Full Freeway Plan," *The Evening Star*, November 18, 1968]

James Gleason found his past and present clashing on November 20, as Eisen reported:

James P. Gleason, the rapid-transit official, was introduced yesterday to James P. Gleason, the lawyer. They looked the same but sounded different.

In 1964, Gleason had visited Sammie Abbott's home, where he was hired as ECTC's attorney. (Eisen's comment was anachronistic. ECTC did not exist in 1964; Gleason was hired to represent the Save Takoma Park committee, which included some of the people who formed ECTC.) At hearings, such as those held by NCTA, he expressed ECTC's opposition to freeways. The goal, at least as Gleason understood it, was to encourage a road-rail alliance that would result in congressional support for subway construction.

"It failed," Eisen wrote. Gleason bowed out of his role as ECTC's legal representative, became a member of the Montgomery County Council, and was now chairman of NCTA's successor, WMATA, which had offices in the southwest quadrant's L'Enfant Plaza.

On November 20, ECTC confronted him with General Graham's letter in support of a freeway system comparable to the one described in the District's 1968 ICE. ECTC had called the meeting in Gleason's office to denounce him as "a traitor to the antifreeway forces." He had, ECTC's Booker said, "sold his soul."

Declaring "I have not sold my soul to anybody," Gleason said "the letter sent to Mayor Walter E. Washington and the City Council was not sent out by the authority or approved by me." ECTC might have confronted General Graham as well, but he was vacationing on the West Coast. [Eisen, Jack, "Freeway Foes Call Gleason a Traitor," *The Washington Post and Times Herald*, November 21, 1968; "Gleason Again Denies Endorsing Freeway Plan," *The Evening Star*, November 21, 1968]

The Committee of 100 on the Federal City offered a plan on November 21 for carrying I-95 traffic into the District of Columbia. The plan would route I-95 inside the Capital Beltway west of the University of Maryland, past Hyattsville, to connect with the Kenilworth Avenue Expressway on the east bank of the Anacostia River. In addition, the committee called for extension of the Baltimore-Washington Parkway along the west bank of the Anacostia River to D.C. Stadium. This plan would avoid construction of a freeway in the New York Avenue corridor and extension of the East Leg Freeway north of the stadium. ["D.C. Panel Offers New I-95 Plan," *The Washington Post and Times Herald*, November 22, 1968]

When the TPB met on December 2, Councilman Keeney read the five-page statement drafted by the three-man committee that Chairman Yeldell had appointed. It called for construction of a full freeway system, including freeways carrying I-70S and I-95 into the city. Eliminating them "would create a serious discontinuity and imbalance in the regional transportation system." The statement, Keeney emphasized, did not endorse the specific location of the North-Central Freeway. Instead, it backed a freeway between the points the freeway would link, namely downtown and the Silver Spring area.

NCPC's draft Major Thoroughfare Plan had provided a good freeway system for the "southern portion of the District, in Northern Virginia and in the southern portion of Prince Georges

County.” However, the adopted “proposed freeway system does not provide adequate interregional continuity in . . . the entire northern portion of the District, the northern portion of Prince Georges County and all of Montgomery County.” As a result, NCPC’s plan was not “a comprehensive regional transportation program.

Chairman Yeldell warned that adoption of the pro-freeway resolution would inflame “our very vocal and very organized freeway opponents” by creating “the feeling that suburban interests are ramming freeways down their throat.” The resolution also would complicate the city council’s effort to find a solution to the endless freeway battles, especially in view of the congressional mandate for freeway construction contained in the Federal-Aid Highway Act of 1968. “We’re kidding ourselves,” he said, “if we think the Council has any decision-making power.”

He urged that the North-Central Freeway be set aside for further study. However, Fairfax County Supervisor Harold O. Miller, told him, “There is no need for further study to see if it is needed. The need is obvious.”

All indications were that the board would vote in support of the resolution. However, one of the board members present was found to be ineligible to vote. Lt. Colonel Sam D. Staroben, an engineer serving as an assistant to Mayor Washington, was not qualified to vote on his behalf because of issues related to the transition from a three-commissioner system to a mayor-city council form of government. As a result, the planning board was one member short of the quorum required for a vote.

Keeney proposed a motion for a meeting the following week, but could not get a second. He told his colleagues, “The Transportation Planning Board hasn’t heard the last of this proposal.” [Eisen, Jack, “Wider Debate Over Freeway Plan Thwarted,” *The Washington Post and Times Herald*, December 3, 1968; Barnes, Fred, “North Central Freeway Support Bid Is Rebuffed,” *The Evening Star*, December 2, 1968]

The Public Speaks, December 3-4, 1968

The public hearings on NCPC staff’s Major Thoroughfare Plan began on the afternoon of December 3 in the auditorium of Western High School at 35th and R Street, NW.

According to Eisen, the opening session before about 100 people “was relatively tranquil.” Most of the witnesses were anti-freeway, with Sammie Abbott the only witness who provoked an incident. “People don’t want freeways. They want mass transit,” he said. If Congress would give the city money for the subway only if the city built the highways, then “the hell with the subway on that basis.” He told the city council members, “If you stand up and say you don’t want freeways, you will be standing up as the government of the District.” He was still talking when his 15 minutes expired, but he kept talking as Chairman Hechinger tried to gavel him down. “Abbott completed his testimony only when three policemen began walking down the aisle toward him.”

Another anti-freeway witness, J. George Frain of the Kalorama Citizens Association, was testifying when Vice Chairman Fauntroy asked if the city could turn down the freeways or

whether Chairman Natcher's action was "effective blackmail." Frain, a former long-time congressional employee, agreed that the city was effectively blackmailed, but advised that the city council "can either knuckle under . . . or you can stand up and be free men and represent your city." He thought Congress would eventually provide the matching funds.

Grosvenor Chapman did not think an outright rejection of the congressional mandate would be effective. He said, "we'd get it jammed down anyway." He described the Committee of 100's plan for carrying I-95 traffic across the eastern city line.

Among the few pro-freeway witnesses was Caroline Freeland, chairman of the Maryland-National Capital Park and Planning Commission. She favored the North-Central Freeway, saying it would equally benefit suburbanites and Washingtonians.

That evening, the hearing shifted to Hine Junior High School at 335 8th Street, SE. Again, most witnesses opposed freeways. Reginald Booker of ECTC charged that racism was behind NCPC's draft plan and said the members of the city council and NCPC were thieves. He drew applause from the crowd of about 100 people when he said, "Black people should take up arms to defend their community."

Robert F. Koch was a pro-freeway witness. He had commented as a Bethesda resident on previous occasions, but now was identified as representing the Bethesda-Chevy Chase Chamber of Commerce. He said that a handful of anti-freeway militants were intimidating public officials. "These people insist on a democratic planning process, but they are not democratic enough to permit pro-freeway witnesses to testify." Members of the audience shouted "Liar."

Vice Chairman Fauntroy later told reporters that he did not have a clear interpretation of what rejection of the congressional freeway mandate would mean. He said that "some people" had suggested the city council could "say no to Congress and thereby stop the highway system." If he "thought for an instant we could" cancel the freeways without jeopardizing rail rapid transit funding, he would halt freeway construction in the city. "I believe in a balanced system and I would like to balance the freeways we currently have with a rapid transit system." On the other hand, "if I am faced with the consequence of having any of those freeway projects rammed down our throats, I'm going to try to make it the least painful possible." He intended to ask the city's corporation counsel for a formal opinion on what would happen. [Hornig, Roberta, and Flor, Lee, "Fauntroy Seeks 'Out' On Freeways Order," *The Evening Star*, December 4, 1968; Eisen, Jack, "Fauntroy Hints at Rejection Of Freeway Plan by Council," *The Washington Post and Times Herald*, December 4, 1968]

Public hearings resumed with an afternoon session on December 4 at the District Building and an evening hearing at Kelly Miller Junior High School at 49th and Brooks Streets, NE. Witnesses included anti- and pro-highway speakers, but the Maryland State Roads Commission dominated the news by submitting a statement without spoken testimony. Walter Addison revived the idea of routing a freeway through Rock Creek Park. Maryland, the statement indicated, had spent considerable funds planning for I-70S and buying right-of-way for the North-Central Freeway that the city and NCPC now were proposing to eliminate. "We believe the District cannot

disregard the legitimate interests of the State of Maryland and the metropolitan counties in this fashion.”

Maryland officials recognized that their proposal was controversial, but if the city could not build the North-Central Freeway as presently planned, the Rock Creek Park alignment could “become a pleasant scenic entrance to the capital from the North and Northwest.” It had the advantages of time, distance, and scenic values. Eisen described the suggested alignment:

As the Maryland road builders revived it yesterday, the road would start in Silver Spring about a mile east of Georgia Avenue and head south generally along 16th Street nw. to the area of Washington Carter Barron Amphitheater.

From there, it would angle westward and pass along the east side of the park through or near the Zoo and terminate near 25th and K Street nw. At that point it would join the existing west leg of the Inner Loop Freeway

The Maryland agency made clear that it was not proposing “refined alignments” of the road within Washington, leaving that to local officials.

It said the road could be built in a way to preserve the park and give travelers “a monumental scenic, green entry to the Nation’s Capital.”

(The Carter Barron Amphitheater, operated by NPS, is located in Rock Creek Park at 4850 Colorado Avenue, NW. Called the Sesquicentennial Amphitheatre in honor of the District of Columbia’s 150th anniversary, it opened on August 4, 1950. In November 1950, it was renamed at the suggestion of President Truman to honor Carter T. Barron, a theater executive and vice chairman of the Sesquicentennial Commission, who had died on November 16, 1950, at the age of 45.)

Other Maryland proposals included retaining the inner loop concept, but dropping the idea of combining I-95, the Baltimore-Washington Parkway, and U.S. 50 traffic in the New York Avenue corridor. I-95 should be connected in the north-central corridor. The State supported rail rapid transit, combined with the freeway system, but warned that transit was “not a panacea for urban ills any more than the freeway is the sole perpetrator of these ills.”

The statement criticized the city and NCPC for ignoring “the need for better communication with the Northwest areas of the District and with Montgomery County, a situation patently unacceptable to Maryland and the affected region.”

As the *Star* reported, “Speaker after speaker urged adoption of a metropolitan subway system in place of the planned freeways.” Mrs. Ann Heutte of Brookland Neighbors accused Congress and highway planners of being “out of earshot of the mobs of us screaming in the distance.” She “berated the officials with passages from Homer’s Iliad on the destruction of cities.”

Robert Berg of the D.C. Community Recreation Advisory Board told officials to “get off the freeway kick and onto the mass transit kick.” He said, “Even before these hearings you knew

what the outcome would be – you know the city’s against the freeways.” He urged them not to “kowtow to a Congress which loves cement and private profit.”

Lloyd D. Smith, president of the Far Northeast-Southeast Council of Civic Associations, said, “We beg, we demand, we plead with the council – do not visit this upon us. How long must the Far Northeast be the dumping ground for freeways?”

Simon Cain of the D.C. Federation of Civic Associations questioned the idea of building housing over freeways. “You be the first to take your families to live in these places of death by carbon monoxide poisoning and emphysema.” He had observed Montreal’s subway system. By comparison, Washington had “one of the most unbalanced transportation systems in the universe.”

A representative of the District Democratic Central Committee claimed the city council could block the congressional mandate by refusing to accept the plan. This was the idea that Vice Chairman Fauntroy had suggested he would adopt in an instant if he thought it would block the freeways without jeopardizing rail rapid transit funds.

Murray Toomey said the board of trade opposed the plan to build a crosstown freeway in a tunnel under K Street and New York Avenue. The board recommended building the North Leg Freeway on the previously proposed alignment close to Florida Avenue. [Somerville, Gerald, and Wright, Chris, “Rock Creek Park Road Plan Revived By State Agency,” *The Evening Star*, December 5, 1968; Eisen, Jack, “Rock Creek Park Freeway Revived,” *The Washington Post and Times Herald*, December 5, 1968]

During the final day of hearings, Addison appeared to discuss the “counter-proposal” included in the statement he had submitted the day before on behalf of the Maryland State Roads Commission. His revival of the Rock Creek Park route took up much of his hour-long appearance before the city council and NCPC. Under questioning, Addison backed off the proposal. It was, he said, only one of four possible routes to connect Montgomery County with downtown. The others were the North-Central Freeway alignment and routes along 16th Street, NW., and the Wisconsin Avenue corridor. He pointed out that the Wisconsin Avenue corridor was best aligned with I-70S on the map.

NCPC member James O. Gibson, who had replaced Walter Louchheim, charged that Maryland was playing politics by stressing the Rock Creek Park alignment and not the Wisconsin Avenue corridor, which was shown on the State’s map as passing through fashionable Chevy Chase. “I charge political consideration was given by the Maryland Commission in leaving out lines on its map showing the I-70S corridor through Wisconsin Avenue.” Addison replied, “Politics had nothing to do with our proposal.”

Councilmember Shackleton asked if the State commission had held public hearings on the suggested plan. Addison replied, “Not since 1965.” He also said the commission had not approved the proposal, which had been prepared by the commission’s planning office.

The *Star* reported:

At one point Addison, visibly nervous, said: “We’re not adding any new gateways. But what basis is there to eliminate I-95 and I-70S? We feel the game is a new ball game now.

At the end of his period, he told the city council and NCPC that his proposal was only a “suggestion for consideration” by staff. He did not want to cause a postponement in plans.

Other witnesses presented familiar arguments.

As NCPC and the city council began weighing the pros and cons, Jack Eisen said, only one thing was certain:

Three skeletons of old freeway plans that were brought out by witnesses and rattled anew will be returned to the closet without serious consideration.

First was the Maryland State Roads Commission’s proposal to build a freeway through Rock Creek Park. Then there was the Metropolitan Washington Board of Trade’s suggested revival of the original north-of-downtown route for part of the Inner Loop freeway. The third was a Bethesda business group’s proposal for a new road through the Wisconsin Avenue corridor.

NCPC and the city council faced the same questions at this point as they did before the hearings began: “whether to accept, modify or reject the road plan proposed by the Planning Commission staff.” [Eisen, Jack, “Road Plans Pondered As D.C. Hearings End,” *The Washington Post and Times Herald*, December 6, 1968; Somerville, Gerald, “D.C. Council, Planners Attack Rock Creek Freeway Plan,” *The Evening Star*, December 6, 1968]

Post editors, after the hearings ended, concluded that the city council and the public were asking the wrong questions during the hearings:

The question before the Council and on which it could have used advice from individual citizens and citizens groups is not *whether* more freeways are going to be built in the District. It is *where* and *how* these freeways are going to be built.

Since most speakers at the hearings addressed the wrong question, they apparently expect the city council to adopt the “politically expedient” decision to oppose any further freeway construction. “In fact, some Council members seem to believe that they will be dead as budding politicians and community leaders if they do anything else.” If so, they would be “dooming the city to a bad freeway system.” The *Post* said:

With interstate highways bearing down on the District from all directions, it is beyond comprehension to believe that the local government and local citizens can stand at the District line and say this far and no farther. If that is attempted, the inevitable result will be that Congress will order the freeways built along whatever routes it chooses.

The new Congress arriving in January would probably examine what the District had accomplished since enactment of the 1968 Act, “This is the District’s last chance to adapt the

freeway system to its peculiar needs.” [“Wrong Questions on Freeways,” *The Washington Post and Times Herald*, December 7, 1968; italics in original]

The *Star* argued that after 3 days of “marathon public hearings,” the District’s freeway impasse was in “essentially the same muddle of confusion that prevailed before they began.” Some witnesses recognized the need for “a moderate District freeway network to connect with Maryland and Virginia”:

As always at such hearings, the freeway opponents turned out in force – to suggest curtailments of previously approved plans, or no freeway construction at all. Most of the latter group urged concentration on rail transit alone. In a new height of irresponsibility, however, several went so far as to say that if the rail transit program depended upon any degree of freeway construction, it would be better to have nothing built.

How in the world do these people think this city could survive under any such circumstances as that?

An “adequate, modern system of transportation” was not a luxury. NCPC “should firmly approve” the staff plan. “The City Council – whose members obviously are not entranced with freeways – will take their turn soon after.” Before then, the editors hoped that Mayor Washington would abandon his straddling of the impasse and issue “a forthright assertion of support for a reasonable, cohesive freeway network.”

The mayor and city council seemed to have forgotten Section 23 of the Federal-Aid Highway Act of 1968. President Johnson, in his instructions, “was equally unequivocal in ordering that an adequate freeway program for Washington be agreed upon and put in motion by January 1”:

The 1968 highway act has given this city a broad spectrum of valuable new powers with which to handle the problems of relocation and freeway design more effectively. What is required now is a determination at the District Building to use them. [“Freeway Showdown,” *The Evening Star*, December 7, 1968]

NCPC and the City Council Act

On December 11, NCPC approved a revised Major Thoroughfare Plan and the Mass Transportation Plan. The approved Major Thoroughfare Plan dropped the Three Sisters Bridge and the North-Central Freeway. Other features of the plan included:

- Omit the K Street tunnel, with a new study of the North Leg of the Inner Loop to “determine the most feasible route for major east-west traffic improvements in the central area.”
- Redesign the East Leg Expressway north of Pennsylvania Avenue to meet parkway standards. The renamed Anacostia Parkway would provide a connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle. It would pass D.C. Stadium, tunnel beneath the National Arboretum, and terminate at New York Avenue.

- The Palisades Parkway on the east bank of the Potomac River would connect the Montgomery County line with a point in Georgetown, west of the old D.C. Transit System car barn, where it linked with an underground Potomac River Expressway along the Georgetown waterfront.
- The underground Potomac River Freeway would return to ground level in Washington Circle, with construction of the tunnel allowing removal of the Whitehurst Freeway and redevelopment of the waterfront.
- A Trans-Mall Connector would link the Potomac River Freeway and the Theodore Roosevelt Bridge with the southwest quadrant.
- Construction of the South Leg Freeway beneath the Lincoln Memorial and the Tidal basin from Constitution Avenue near the Potomac River to a 14th Street connection with the Southwest Freeway
- The Center Leg, or “Central Distributor,” would be completed to New York Avenue where it would link with an Industrial Freeway to the north.
- The Industrial Freeway would be constructed over the Penn Central Railroad yard north of New York Avenue to “provide access to a major industrial park [proposed for the area] and serve as a bypass for trucks with destinations within the District.”

At the start of the meeting, Dr. Edwards, chairman of NCPC’s transportation committee, outlined the “policies and principles” behind the proposed plan:

The time has come, the commission believes, to take a firm stand in behalf of community values that can be threatened by the sheer force of automobiles on city streets. The commission believes that a policy that seeks to limit the flow of automobiles into the heart of the city is a practical and realistic approach to transportation planning.

He described WMATA’s plan as the “largest and most comprehensive transit system ever planned at one time for an urban area.” It would “tie the heart of the nation’s capital into a broad network of high-speed transit lines capable of performing with speed and efficiency.”

In that context, the freeway system would “perform its rightful and essential functions as a part of the over-all transportation system” that included rail rapid transit. He acknowledged that traffic congestion “will in the short run get worse before it gets better” with completion of the overall plan. The same would be true even if the full freeway system were built.

Eisen reported that Federal Highway Administrator Bridwell had told Chairman Hammer that the plan was “unsatisfactory and unworkable and will not satisfy the congressional mandate.” Bridwell, according to Eisen, had been instrumental in preparing the NCPC staff’s draft Major Thoroughfare Plan. Nevertheless, Hammer said he hoped the plan, which he estimated to cost \$300 million, would satisfy Congress. He said of the NCPC vote:

The community has made a major turn, as many communities are doing. We must have adequate freeway capacities, but we now say we have them.

The NCPC vote was 8-1, with BPR Director Frank Turner of FHWA casting the lone dissent. Colonel Alvin D. Wilder, serving as an alternate for the Chief of the U.S. Army Corps of

Engineers, criticized the plan but abstained from voting. [Eisen, Jack, "D.C. Planners Cut Commuter Roads," *The Washington Post and Times Herald*, December 12, 1968; Lewis, Robert J., "Planners Cut Freeways Sharply," *The Evening Star*, December 11, 1968]

The city council considered the Major Thoroughfare Plan the following day, December 12. Chairman Hechinger said the plan "recognizes that the District is approaching a limit on the number of cars that can be brought into the city and particularly the downtown area." He thought that even without the Three Sisters Bridge and North-Central Freeway, the plan was comprehensive enough to merit congressional action:

With respect to congressional reaction to this plan, I am sure the members of Congress . . . will be convinced by the sound reasons upon which [it] rests.

Specifically, Congressman Natcher has said he doesn't care for any specific road – that he just wanted the highway program started irreversibly.

This is now called for with \$300-million worth of construction. I am sure he will now release the subway funds.

The city council members who voted approved the plans unanimously. Councilman Nevius absented himself because he did not want to vote for or against the plan. He explained that "no one knows today for sure which is right and which is wrong." In a written statement, he said he preferred earlier plans that included the Three Sisters Bridge and a crosstown tunnel under K Street.

(In a letter to the *Star*, Nevius corrected "an inaccurate impression" in reports of his actions. He basically agreed with the NCPC recommendations. Specifically, he disapproved the Three Sisters Bridge and a tunnel along K Street, NW. "However, having reservations about the wisdom of acting upon a plan at this point in time, I came to the conclusion that the right thing to do was to abstain, and I did so in the only way possible under Council rules." ["Nevius' Abstention," Letters to the Editor, *The Evening Star*, December 23, 1968])

Chairman Natcher could not be reached for comment, but Senator Cooper, who had voted against the Federal-Aid Highway Act of 1968 because of Section 23, provided the first congressional reaction. "I am very pleased. The action now taken is a constructive step in the exercise of local responsibility for highway planning consistent with community goals."

ECTC's Booker said he was somewhat pleased that the plan dropped two freeway projects. However, ECTC's position was "not another inch of freeways in D.C." and he urged dropping the entire plan.

In Maryland, the reaction was mainly negative. The Montgomery County Planning Board adopted a resolution saying the plan "deludes the public with false hope that somehow, with no freeways, life in the District will be enhanced, that change and deterioration will somehow be rolled back."

Commissioner Freeland of the Maryland-National Capital Park and Planning Commission said that based on the approved plan, Montgomery and Prince George's Counties were "going to gradually have to forget the District, not because we want to but because we have to." She added that, "The District is beginning to seal itself off and build a wall around itself economically and perhaps culturally as well":

This action will only serve to isolate the District from the major source of employment for its residents. It is a classic case of throwing the baby out with the bathwater.

Moreover, NCPC "showed itself prepared to succumb to those who shout the loudest." While Maryland planners had "waited patiently and quietly . . . in the expectation that the public interest of the entire region would prevail," approval of the Master Thoroughfare Plan demonstrated that it would not. The commission would continue to "fight to achieve" a viable freeway system.

Cleatus E. Barnett, president of the Montgomery County Council, said the freeway cutbacks "could have almost a fatal effect" on the rail rapid transit system. He urged the incoming Nixon Administration to arrange a meeting of Federal, regional, and city officials "to deal realistically" with the area's transportation needs.

In Virginia, Arlington County officials were pleased that the plan dropped the Three Sisters Bridge. Chairman Richards said, "Arlington and the Nation's Capital cannot seek a highway solution to their transportation problem. If they do so, they will be paved over in concrete and their homes will deteriorate."

Secretary Boyd said he was "gratified" by the approved plan, which he said "has considerable merit." It "provides a basis for starting at once the job of expanding the Washington highway network," as Congress had required. He could approve several elements of the plan:

- An Industrial Highway north of New York Avenue.
- The proposed tunnel under the Georgetown waterfront to replace the elevated Whitehurst Freeway, under NPS jurisdiction.
- The Potomac River Freeway tunnel would join the previously proposed Palisades Parkway to carry traffic toward Cabin John.
- Deletion of the Three Sisters Bridge.
- Appointment of a design concept team to study the K Street tunnel and the disruption of traffic in downtown Washington.

Secretary Boyd took the South Leg Freeway out of the plan. He thought that tunneled ramps under the Lincoln Memorial might be needed to carry traffic between the Theodore Roosevelt Bridge and Independence Avenue. He also wanted further study of the East Leg Freeway across the Anacostia River near D.C. Stadium, as Eisen explained:

Boyd also revived the possibility, bitterly opposed by area citizens groups and rejected by the Council, that the existing Kenilworth Expressway on the east bank of the Anacostia River should become a full interstate freeway. A new bridge across the Anacostia would be needed.

As modified by Secretary Boyd, the plan eliminated all new Interstate highways crossing the District line, including the Three Sisters Bridge and the North-Central Freeway. The plan would cost an estimated \$200 million.

On December 13, Maryland State legislative leaders met with the State's congressional delegation in Annapolis to consider options, including a lawsuit, to secure better connections between the State and city. Chairman Wolff asked, "How can they cut us off at the D.C. line? I think that is pretty short-sighted. Commerce is a two-way thing. We are absolutely livid about this."

They were particularly upset about the routing of I-95. The potential lawsuit would be based on the District's failure to plan the network on a regional basis as required by 3C planning process under Federal law. "Even without a lawsuit," Eisen reported, "the whole tangled road issue clearly is destined to be dumped in the laps of Congress and the Nixon Administration to unravel."

The chairman of the Prince George's Board of County Commissioners agreed with Wolff. Francis J. Aluisi said that in view of shared interests across borders, "It is unthinkable that the hub of the metropolitan area should presume to propose any highway system plan without the full accord of all those jurisdictions." Solving the area's transportation problems required "complete cooperation," in the absence of which the result would be "utter chaos."

[Flor, Lee, "D.C. Council Approves Freeways Plan Cutback," *The Evening Star*, December 12, 1968; Eisen, Jack, "Council Adopts Scaled-Down Freeway Plan, 8-0," *The Washington Post and Times Herald*, December 13, 1968; "Freeway Cuts Hit in Maryland," *The Evening Star*, December 13, 1968; Eisen, Jack, "Md. Eyes Suit Over Freeway," *The Washington Post and Times Herald*, December 14, 1968; Macnees, James, "D.C. Road Plan Is Denounced," *The Baltimore Sun*, December 19, 1968]

The *Post* reported that on December 13, the House Committee on Public Works wrote to Secretary Boyd to demand that he approve the Three Sisters Bridge by the end of the year. If he did not do so, the committee promised to report legislation in 1969 requiring construction of the bridge. Secretary Boyd should consult with Mayor Washington prior to approval, a suggestion the committee made "on the assumption that the position of the District government will be favorable."

The letter indicated the committee also was troubled by Secretary Boyd's position on the Inner Loop Freeway. The committee wanted the Department of Transportation to submit plans in February for construction of the remaining segments of The Inner Loop and the North-Central Freeway. The letter advised Secretary Boyd to consider turning the Baltimore-Washington Parkway into an Interstate route as an alternative to the North-Central Freeway.

The committee, the letter stated, was "unalterably opposed" to converting the George Washington Memorial Parkway inside Montgomery County into an Interstate route. The committee would not object, however, if the parkway were extended into the city. ["House Unit Insists on 3 Sisters," *The Washington Post and Times Herald*, December 14, 1967]

The *Post* editorial board was disappointed, but acknowledged that at least, “The Council and the Commission, saying they oppose freeways almost to the death, consented to the beginnings of a freeway system.” They had approved “a small freeway system, as those things go, and one that is not entirely satisfactory.” While approving the plan, the members of both groups “were not content to let their work rest there.” Instead, they expressed concern that any freeways were in the plan. As a result, “their rhetoric alone may doom their plan and the orderly development of transportation in the Washington area.” They had “cloaked their consent in language of defiance that provides a rallying cry for all those who prefer freeways to rapid transit and dared Congress to order more freeways built.”

The editors discussed elements of the plan. They hoped that after further study, officials would approve the K Street tunnel as part of the North Leg of the Inner Loop Freeway. Data had not been presented to demonstrate whether the Three Sisters Bridge was justified, but “the bridge can be added to the new plan with a minimum of disruption.” The plan to tear down the Whitehurst Freeway “has one serious drawback – forcing the traffic off Key Bridge onto M street in Georgetown,” presumably on the assumption that rail rapid transit “will reduce that traffic drastically, and maybe it will.” Abandoning the North-Central Freeway meant that I-95 traffic would have to be carried around the Capital Beltway onto two parkways “from which trucks would be barred unless Maryland takes over the Baltimore-Washington parkway [sic] and converts it to interstate standards.”

Maryland officials were “certainly justified in being outraged over the new plan.” They had been stymied for years because of uncertainty in the District. “This is hardly the way to build a regional transportation system for the Washington area.”

The reality was “that Congress, alas, still runs the place.” Congress made its view clear that the District should have a freeway system. The hope now was that Mayor Washington and Secretary Boyd would convince Congress that the approved plan was “the start that Congress wants.”

The editorial concluded:

It may well be that the District’s best hope now is to persuade Congress to let construction begin on the inner parts of the system and to free the subway money while directing District officials and the Department of Transportation to sit down with Maryland and Virginia officials and make some sense out of the gateways to the city. [“Congress and the Freeway Struggle,” *The Washington Post and Times Herald*, December 16, 1968]

According to *Star* editors, the fact that the plan was “the first time in memory” the city and Federal planners were in accord “does not make the council-commission actions a bit more palatable.” They had agreed on “a thoroughly inadequate plan” that “inevitably will exacerbate Washington’s transportation controversy.” A bitter fight on Capitol Hill early in 1969 was “assured.”

Every “thoughtful observer” realized that freeways, alone, could not meet the area’s transportation needs without a balancing rail rapid transit system. The result was “a modest proposal” for freeway development and a rail-transit plan “all set to proceed”:

A stalemate over District freeways, however, led Congress, rightly in our view, to hold up the transit money while the District took another crack at the freeways.

Congress intervened to direct the District to build the planned freeways. If the city had proceeded as Congress mandated, Congress would be sure to release the District matching funds for rail rapid transit:

Instead, however, the council and the planners have irresponsibly ignored that directive, proposing a scheme of their own that not only drastically modified existing freeway proposals but flatly rejected one of the four projects which Congress said must proceed – the Three Sisters Bridge across the Potomac to Arlington.

The philosophy seemed to be to make congestion so bad that motorists will switch to transit. This result also would be accomplished, according to the planners, “by imposing limits on the volume of future downtown parking spaces”:

At their meetings last week, the council and commission leaders expressed confidence that their united front would convince Congress to buy their new approach in its entirety. We think that is a serious error in judgment.

Secretary Boyd had added to the confusion. He “praises the plan as a sound basis for dealing with the District’s traffic problems, then proceeds virtually to dismantle it”:

One of the major freeway elements approved by the council and the commission, Boyd says, is simply not needed, and should be discarded. In the case of another, he suggests a possible relocation of routes. The status of a third is left uncertain, to say the least.

One puzzle about the plan was that NCPC staff, just a few weeks earlier, supported the need for the Three Sisters Bridge. “Yet, last week, this same staff asserted that the bridge is ‘both unnecessary and undesirable.’” Nothing had changed in that short space of time, including traffic demand. What may have changed “was a sudden growth in the planning commission’s anxiety to reach an accommodation with the city council, which in turn seems sympathetic to militant citizen demands for a halt in all freeway construction.”

In that short period, the final plan had not been subjected to technical analysis or even submitted to the District’s highway officials for review. Moreover, NCPC conceded that its planners had not consulted with Maryland or Virginia officials. One official blamed that failure of coordination on the fact that these were “District plans.” The editors asked, “In this age of urban complexity, what kind of planning is that?”

They also wondered about the impact of the plan on the central city:

Some city council members seem obsessed with the notion that if freeways are sufficiently curtailed, automobiles will simply fade away. They won't, of course.

The likely result was the crowding of existing city streets, which NCPC's planning staff "recognizes in part, at least, by conceding that major arterial streets from the suburbs would have to be redesigned and in some cases rebuilt to accommodate 'high volumes' of traffic," even while the NCPC adopts a policy against any more "gateway arterial" roads.

Construction of the rail rapid transit system must begin as soon as possible:

Every month that passes from now on will not only postpone the availability of this essential system, but increase its cost. The 91st Congress and the Nixon administration should insist on adoption of an adequate freeway program, and then free the hostaged transit funds.

Since the Eisenhower Administration, Congress had adopted laws that "have given cities substantial new powers to ease the impact of urban freeways and to make them work more effectively":

What is required now from Congress and the new administration is to see that these powers are put to work in the Nation's capital. The city government is off to a very bad start. ["Those Automobiles Will Not Disappear," *The Sunday Star*, December 15, 1968]

Taming the Highway Bulldozers

On October 23, 1968, FHWA had published a Notice of Proposed Rulemaking in the *Federal Register*. The purpose was "to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives."

The proposed regulation called for two hearings, or an opportunity for holding them, to familiarize all interested parties with the project and give them a chance to express their views at stages when the flexibility to respond to those views still existed. First, the State highway agency would hold a corridor public hearing before committing to a specific alternative. The State was to "ensure that an opportunity is afforded for effective participation by interested persons" and to provide a "public forum that affords a full opportunity for presenting views on each proposed highway location, and the social, economic, and environmental effects of that location and alternate locations."

This language reflected Section 24 ("Urban Impact Amendment") of the Federal-Aid Highway Act of 1968. It amended Section 138 ("Public Hearings") of Title 23, United States Code, which called for public hearings for Federal-aid highway projects that bypass or go through urban areas to consider the economic and social effects of such a location. The 1968 Act amendment added: "and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as had been promulgated by the community."

Second, the State highway agency was to hold a design public hearing after FHWA's division engineer, who headed FHWA's office in the State, approved the route location, but before highway design approval. The purposes were similar to those for the corridor public hearing.

The proposed rule defined the term "social, economic, and environmental effects" as "the direct and indirect benefits or losses to the community and to highway users," as reflected in a range of factors to be considered. The factors included such traditional items as engineering, right-of-way and construction costs, maintenance and operational needs, and operation and use of existing highway facilities and other transportation facilities during construction and after completion. In addition, the factors included national defense, economic activity, employment, aesthetics, residential and neighborhood character and location, religious institutions and practices, conservation (including erosion, sedimentation, and other water pollution problems), natural and historical landmarks, multiple use of space, and public health and safety.

Further, the proposal spelled out new appeals procedures after FHWA's division engineer published a notice of action approving a highway location:

Any interested person may appeal the action of the division engineer on a request for approval of a highway location or design, or both. The appeal must be filed, within 15 days after the date of publication of the notice of that action The filing of an appeal within the time prescribed . . . stays the action of the division engineer until the appeal is disposed of by the Administrator.

The interested person could then take the complaint to the courts, with construction blocked pending a final determination. [Public Hearings and Location and Design Approval: Notice of Proposed Regulations, *Federal Register*, October 23, 1968, pages 15663-15666]

As reported in *The Wall Street Journal*:

The proposal, as expected, has run into strong criticism from the powerful highway lobby of road builders and users. But there also is nearly solid opposition from governors and state highway officials, who contend the rule would increase Federal control and delay highway building.

Governor Volpe, the nominee for Secretary of Transportation, was one of the Governors who opposed the rule. In a telegram, he stated that the rule would "remove the power of location selection from the states and place it in the hands of Federal authorities who are removed from the many intricacies of each project." Although he favored providing additional information to the public, he believed that requiring a second hearing "only permits abuse of the minority right to dissent." [Shafer, Ronald G., "Volpe, Nominee for Transportation Post, Is Tilting With Agency on Highway Policy," *The Wall Street Journal*, December 12, 1968]

From December 16 through 20, FHWA held a public hearing on the plan in the auditorium of the FAA Building. FHWA heard from over 150 people and received more than 4,000 comments on the proposed regulation.

Secretary of Agriculture Orville D. Freeman was the first witness. He supported the proposal, but was concerned that it gave “any interested person” too much authority to halt projects simply by expressing opposition. Secretary Udall echoed the concern. He called the regulation essential because “time after time under present procedures we have had to stand by while highways sliced up our cities or invaded irreplaceable park and open space areas.” The appeals procedure would “provide the useful mechanism for the review of exceptional cases concerning a proposed highway route’s impact on scenic and historic values.” However, he warned that, “These procedures should not, of course, be so open ended as to hamstring or cause undue delay in the administrative decision-making process.”

Governor Godwin of Virginia, representing the Governors’ Conference, testified that all 50 Governors supported the “intent and purpose and the spirit” of the proposed regulation:

The Governors support increased involvement of individual citizens in public decision-making. But the rules actually defeat this purpose by effectively removing the decision-making responsibility and power from the levels of government closest to the people and placing it in the Federal bureaucracy and ultimately in the Federal courts.

The result of the appeals process would be “no decisions.”

Patrick Healy, speaking for the National League of Cities and the U.S. Conference of Mayors, strongly backed the proposal. “We strongly support the goal of the proposed regulations to assure that local officials and citizens will be involved in decision-making processes in highway projects which affect them.”

Special Assistant Attorney General Buscher of the Maryland State Roads Commission said the regulation would be unenforceable under a 1956 State law that was passed to prevent speculators from buying property they expected would be purchased by the commission for a highway project. Under that law, plats and maps showing design criteria “shall not be considered public records of the commission and shall not be open to public inspection except by permission of the commission” until property was acquired. The proposed regulation would require that information to be made available for the second public hearing on design.

(This 1956 Maryland statute was a result of the right-of-way scandal in 1955. As mentioned earlier, Ben DuPre, a -State highway right-of-way official, sold State highway location plans to developers who acquired the land at a low price, sold it to the Maryland State Roads Commission at a profit, and provided a kickback to DuPre.)

Buscher also condemned the provision allowing “any interested person” to appeal highway decisions. This provision was, he said, “contrary to the intent of Congress,” was “vague and indefinite,” likely would cause “great and unnecessary delay” in project completion. To make the point, Buscher satirized the preamble, saying it should read:

The purpose is to insure, to the maximum extent possible, the delay of highway construction and to take highway design and location away from the respective highway departments.

[It is] intended to afford full opportunity for any citizen with or without justification or provocation, any rabble-rouser . . . to cause delay after delay and even frustrate any federally aided highway

On December 18, Arthur E. Cohen, president of Baltimore's anti-freeway Movement Against Destruction or M.A.D., testified that his organization favored the regulatory changes. In fact, he asked that the new rules be made retroactive for the expressway program. Expressway planning in Baltimore had been "seriously subject to special influence by private, commercial and political interests."

[Rowland, James B., "Freeman Endorses Proposal On Highway-Route Appeals," *The Evening Star*, December 16, 1968; "Roads Battle Begins in D.C.," *The Baltimore Sun*, December 17, 1968; Morris, John D., "50 Governors Oppose Plan for Road Hearings," *The New York Times*, December 17, 1968; Rowland, James B., "Maryland Sees Conflict In Roads Hearing Plan," *The Evening Star*, December 19, 1968; Keidel, Jane L., "Road Rule Held Contrary to Law," *The Baltimore Sun*, December 20, 1968; Associated Press, "Urban Groups Back Road Hearings Plan," *The New York Times*, December 18, 1968; Keidel, Jane L., "Citizens' Role On Roads Urged," *The Baltimore Sun*, December 19, 1968]

When AASHO gathered in Minneapolis, Minnesota, for its annual meeting the first week of December 1968, the proposal was a major concern for many speakers. John O. Morton, AASHO's president and commissioner of the New Hampshire Department of Public Works, addressed the concerns of many highway officials when he said:

Our new interstate highways are anything but the atrocities the voices of opposition would have the public believe them to be.

He said that AASHO's member agencies had conducted thousands of public hearings and knew "that certain objections will always be presented at a public hearing." Ultimately, State officials must decide how to carry out their program. Morton, in summarizing what State highway officials feared, stated that the proposed rule far exceeded the intent of the 1968 Act:

Contained in the regulations is a provision that would allow a single individual appearing in opposition to a highway project, to effectively tie up the project for an indefinite period of time. It is impossible to comprehend the adoption of a regulation which has been so devised that the desires and needs of an overwhelming majority of the people as presented at a public hearing, could be overridden by the action of a single individual, responsible or otherwise If this is permitted, domination of [the Nation's] economy will also rest in the hands of this same irresponsible minority group.

It was, Morton said, the first time in the 52-year history of the Federal-aid highway program that "a federal agency has taken over and flaunted [sic] the intent of a piece of highway legislation." He suspected that "people high in the Department of Transportation" were responsible because they "have in the past made reference to the fact that the mentality of the highway departments should be changed." He said that highway officials were "confused, shocked, and alarmed at such a power grab."

Chairman Randolph addressed AASHO about several provisions of the Federal-Aid Highway Act of 1968:

That Act . . . includes a number of important changes which will enable the Highway Program to meet our expanding concern for social, cultural and environmental values . . . a full fledged relocation assistance program for those who suffer private injury through disruption and dislocation as a result of highway construction . . . equal employment opportunity . . . all public hearings (must) consider the social and environmental, as well as the economic, impact of a proposed highway location

However, he shared AASHO's concern about the appellate procedure in FHWA's notice. He quoted from a letter that he and Senator Cooper had sent to Administrator Bridwell in response to a request for the committee's views:

It is our strong belief that such procedure will invite unnecessary appeals to the Federal Highway Administration and to the Courts. Highway location decisions are really legislative in nature. This authority has been delegated by the Congress and the Legislatures of the respective States to the United States Department of Transportation and the State Highway Departments. Other than to assure that the rules have been fairly applied, there is no contribution which any Federal Court could make to the decisions relating to location and design.

The two Senators urged removal of the appellate procedures from the final version. "We believe the decision of the Federal Highway Administration should be final in all respects unless there is, in fact, a violation of law, in which case normal legal procedures would still pertain."

Bridwell, in his address to AASHO, referred to "problems of antagonism between highway professionals and professionals from other disciplines." Change was coming "too fast, too disordered, and too little anticipated," but like it or not, the program was facing "the same social and community forces that today confront every other basic national undertaking, whether in transportation, conservation, education, or the art of government." He said:

One option not available is to disassociate and insulate our activities from the sweep of events in America today. To pretend otherwise would be the depth of self-delusion. Nor, in many cases, are we masters of these events. Our decisions must reflect our realistic awareness of this.

They were living in a time "of difficult choices . . . matched, and possibly outweighed by the opportunities available to us today to select . . . directions which will produce . . . beneficial results for the future." The Urban Impact Amendment of the 1968 Act was "a clear indication" of the future, but its mandate for consideration of social, economic, and environmental impacts "can only be fulfilled by a fundamental reshaping of attitudes toward highway development in relationship to urban goals." He rejected the "cold war" option of "conflict – of fighting the program's opponents with every means at hand." Instead, he urged each highway official to "reshape his product and his way of doing business to reflect the new demands of the public."

To illustrate his point, he referred to a sign that he said the inventor Thomas Edison kept on his desk: “Pioneer or Perish.” For the Federal-aid highway program in America today, “there can be no more fitting watchword.” [Mertz, W. Lee, *Building the Interstate*,” Section 8, <http://www.fhwa.dot.gov/infrastructure/build08.cfm>]

On January 14, 1969, with just 6 days left in the Johnson Administration, Administrator Bridwell and Director of Public Roads Turner approved a Policy and Procedure Memorandum (PPM) as appendix A of Title 23, Code of Federal Regulations, Section 1.32. The change appeared in the *Federal Register* on January 17, 1969, along with an explanation of how the PPM was developed. The discussion acknowledged the controversy over the appeal provision:

A large number of comments objected to the proposal on the grounds that it would destroy the present State-Federal relationship with respect to the Federal-Aid Highway Program. In particular, it was argued that by providing an appellate review by the Administrator, final highway decisionmaking would be transferred from the States to the Administrator. However, under the laws governing the Federal-Aid Highway Program, final approval authority concerning Federal participation is, and has always been, reserved to the Secretary of Transportation and this authority has consistently been exercised by the Administrator pursuant to a delegation of authority from the Secretary

The goal was to strengthen the State’s role by increasing dialogue with those affected by proposed projects:

It was designed to help resolve controversies at the State and local level where they can be best dealt with. In recent years, more and more highway controversies have required the personal attention of the Administrator and the Secretary because the present coordination and hearing procedures did not provide for adequate public participation in the development of highway decisions. Appeals to the Administrator have become commonplace, many relating to highway decision approvals rendered over 10 years ago.

While defending the proposed appellate procedures, Bridwell and Turner decided to withdraw it:

The appellate procedures were also objected to on the grounds that the term “interested person” was too broad and that since there was no time limit concerning the disposition of the appeal, highway construction could be delayed indefinitely. Objections were also raised concerning the automatic “stay” of highway projects upon the filing of an appeal. These objections do have merit and accordingly, the proposed appellate procedures are being withdrawn for further review and reconsideration.

Instead of the appellate procedures, the PPM stated that the State was to publish notice of the division engineer’s approval of a highway location or design – and that was the final step in the review.

Other changes included the addition of “Fast, safe, and efficient transportation” as the first factor to be considered along with the social, economic, and environmental factors. The PPM also

clarified when two public hearings were required, namely for all Interstate and primary highway projects; secondary highway projects on larger roads; when the project is on new location or would have a different social, economic, and environmental effect; and projects where the function of connecting roads, including access limits, would be altered. Otherwise PPM 20-8 retained much of the notice. [Administration of Federal-Aid for Highways – Public Hearings and Location and Design Approval, *Federal Register*, January 17, 1969, pages 727-730]

The Final Days of the Johnson Administration

In these final days, Secretary Boyd and Administrator Bridwell completed several other actions.

In response to FHWA's request for nominations under the 1968 Act's expansion of the Interstate System, the States submitted applications totaling more than 10,000 miles. On December 13, 1968, Secretary Boyd announced designation of 1,472.5 miles to routes in 28 States at an estimated cost of \$2.43 billion. The additions included I-27 in Texas (Amarillo to Lubbock), extension of I-75 from St. Petersburg, Florida, to Miami; I-43 from Milwaukee to Green Bay, Wisconsin; and I-88 from Binghamton to Schenectady, New York.

Administrator Bridwell acted on January 17 on the Major Thoroughfare Plan, as well as a request from Maryland. In a letter to Director Airis, Bridwell said that "as a result of official actions taken by the Council and Mayor of the District of Columbia," he was adjusting the District's Interstate System consistent with the city council's December 12 vote. He eliminated I-70S ("From the District of Columbia-Maryland line southward to a junction with FAI Route 95") and I-266 ("From the District of Columbia-Virginia line in the vicinity of Key Bridge eastward to a junction with FAI Route 66," namely the Three Sisters Bridge).

He approved a 3-mile extension of I-95 beyond the Capital Beltway to about half a mile from the District line. Construction would be approved, for now, only to East-West Highway.

He also deleted the I-695 South Leg Freeway tunnel under the Lincoln Memorial grounds and Tidal Basin and the extension of I-295 in Maryland to I-895, both in accordance with the Howard-Cramer amendment to 23 U.S.C. 103 (P.L. 90-238, approved January 2, 1968). Under this provision, the Secretary of Transportation, at the request of a State highway agency, could remove a segment from the Interstate System if the segment is not essential to a unified and connected Interstate System, including "urban routes necessary for metropolitan transportation," and the State promises not to build a toll road in its place. The mileage freed by this deletion could be used elsewhere, with the amendment providing an additional 200 "Howard-Cramer" miles to supplement newly designated routes if needed for connectivity.

With these changes, Bridwell provided revised definitions for routes in the District of Columbia:

Route 66. From the District of Columbia, Virginia line eastward via the Theodore Roosevelt Bridge thence northward and eastward to a junction with FAI Route 295 near the Anacostia River.

Route 95. From the District of Columbia-Virginia line at the south end of the 14th Street Bridges to a junction with FAI Route 66 in the vicinity of the intersection of New York Avenue and New Jersey Avenue, Northwest.

Route 295. From the District of Columbia-Maryland line in the vicinity of Oxen Creek northward and northeastward to the District of Columbia-Maryland line en route to the Kenilworth Interchange.

Route 695. From a junction with FAI Route 95 southwest of the U.S. Capitol eastward to a junction with FAI Route 295 in the vicinity of 11th Street, Southeast. [Flor, Lee, "Extension of Route 95 Inside Beltway Okayed," *The Evening Star*, January 18, 1969]

On January 17, Bridwell also approved Interstate freeways in Baltimore and New Orleans. In Baltimore, he approved the Owings design concept team's design for the interior legs of I-70 and I-95, including a harbor bridge across the Patapsco River near the city's historic Fort McHenry, whose flag waving after a night of British bombardment during the War of 1812 inspired the country's National Anthem. Mayor Thomas L. J. D'Alesandro, son of the former mayor, called the decision "a very important day for Baltimore." It was, he said, "the culmination of 24 years of study, research, evaluation and re-evaluation of what always has been identified as the East-West Expressway." He did not expect any more changes in the freeway system while he was in office. "Now we can move into the action program."

(The New Orleans decision involved the Riverfront-Elysian Fields Expressway. For information on the New Orleans freeway battle and Bridwell's decision, see "The Battles of New Orleans - Vieux Carré Riverfront Expressway (I-310)" on this Web site at <http://www.fhwa.dot.gov/infrastructure/neworleans.cfm>.)

Ben A. Franklin, who often wrote about environmental issues for *The New York Times*, called the decisions "a victory for people over automobile Technology" [sic] that ended "two bitter disputes over the disruption of cities by highway construction." The Baltimore compromise, he added, "was regarded as a potentially precedent setting example of how to 'civilize' the freeway." [O'Donnell, Jr., John B., "City's 3-A Route Wins Approval of U.S. Agency," *The Baltimore Sun*, January 18, 1969; Franklin, Ben A., "U.S. Approves Modified Designs for 2 Freeways," *The New York Times*, January 18, 1969]

On January 18, Bridwell cleared the way for State highway officials to use Federal-aid to pay 50 percent of the cost of building fringe parking lots as permitted by the Federal-Aid Highway Act of 1968 on a demonstration basis. Under the plan, States could use Federal-aid highway funds to build fringe parking lots to be coordinated with existing or planned public transportation facilities.

Bridwell issued guidelines for the TOPICS program on January 19. In a news release, BPR Director Turner explained that TOPICS could increase the traffic-carrying capacity of a city street system by 25 percent at modest expense:

Mr. Turner explained that TOPICS projects must be part of an area-wide traffic improvement plan, and must be based on a continuing comprehensive transportation planning process. Since July 1, 1965, approval of all Federal-aid highway projects in urban areas of 50,000 or more population has been contingent on such processes.

The same day, Bridwell announced adoption of policies and procedures to foster the cooperative development of future urban freeway corridors and multiple use of highway rights-of-way, including air rights. He explained:

In adopting a Federal policy on joint development of highway corridors, we are giving maximum aid to State highway departments in their attempts to contribute positively to the needs of local communities. The policy will encourage using highway design to deliberately shape the urban environment according to local goals.

Through joint development, communities had created parks, recreation areas, office buildings, and apartments using space above, below, and alongside urban freeways. The news release stated:

Under the new procedures announced by Mr. Bridwell, State highway departments and local governments will extend the practice of cooperation on transportation studies to explicitly consider the joint development possibility of the various alternative route locations for proposed freeways. In addition, the highway program will participate in the more detailed joint development planning for the corridor related to the specific location, once it is selected.

The goal, Bridwell said, was “to relate the proposed highway to the other plans, programs and goals of the affected jurisdictions.” The plan “should highlight the opportunities for profitable cooperation and collaboration between the State highway department and other public or private agencies in carrying out the development of the highway corridor as a single public work.” He added that the plan “should give a more explicit framework for the discussion of alternative route locations and design options in relation to the locality’s stated goals and objectives.”

The Baltimore-Washington Parkway Gambit

The origins of the Baltimore-Washington Parkway can be traced to the parkway movement of the 1920s. Frederic A. Delano, the first chairman of the National Capital Parks and Planning Commission in 1924, was one of the movement’s supporters. As early as 1925, he favored a parkway “connecting the great city of Baltimore with the Federal Capital.” Gradually, supporters justified a Federal parkway as a link between Washington and Camp George G. Meade in Anne Arundel County, several miles southwest of Baltimore.

A National Park Service history of the parkway stated:

By 1930, it had become apparent that the major impetus for establishing the parkway came from the Washington, D.C., end of the route. Maryland would have to develop a lobbying effort and build a portion of the road on the land between Baltimore and Camp Meade acquired from private interests.

Officials considered the route of the parkway to Camp Meade throughout the 1930s. (In 1929, Camp Meade, which the War Department had renamed Fort Leonard Wood in 1928, was renamed Fort George G. Meade by an Act of Congress.) Pressure for the parkway increased as the United States shifted to a war footing in support of its European allies after their war with Germany began in 1939. That same year, Fort Meade expanded by nearly 10,000 acres.

In 1942, Delano's nephew, President Roosevelt directed the Federal Works Administrator to allocate \$2 million of National Industrial Recovery Act funds for PRA to begin right-of-way acquisition and construction of the parkway from the Peace Monument in Bladensburg to the Jessup entrance of Fort Meade. From Jessup Road, the Maryland State Roads Commission would provide the extension into Baltimore. Maryland was willing to pay for the expressway link to Baltimore because it also would provide access to planned Friendship International Airport, which would open on June 24, 1950.

(President Truman participated in the opening ceremony after a short flight from Washington National Airport in the presidential airplane, *Independence*. Maryland Governor William Preston Lane, Jr., and Baltimore Mayor Thomas D'Alesandro, Jr., accompanied the President. It was Mayor D'Alesandro's first flight, taken reluctantly. He told reporters he hadn't "slept a wink last night." Initially, he had prayed for rain in hope that the flight would be canceled, but he changed his mind. "I want to have the greatest airport in the world dedicated in the sunshine." He mentioned Maryland colleagues who had been killed in airplane crashes. "Still, a lot of people seem to think airplanes are safe. Maybe they're right. I sure hope so." The mayor told President Truman, a seasoned air traveler with 83,766 miles flown since taking office, about this being a first. The "Flying President" said, "Well, you are getting on a mighty good plane." But as the group approached the loading ramp, the President told his aides to flank the mayor on both sides, joking, "We've got you now. Just try to run away." According to the *Star*, "Mayor D'Alesandro disappeared inside the gleaming silver plane holding up two firmly crossed fingers." ["Honor Guard and Truman Prod D'Alesandro Aboard Plane," *The Evening Star*, June 24, 1950; Shippen, W. H., "Truman Assails Aviation Critics' 'Foolish Fears,'" *The Evening Star*, June 24, 1950])

While PRA accomplished some acquisition and grading, major construction work could not begin without legislation authorizing funds for the parkway. On May 25, 1950, the House approved the bill, with Representative Fallon, the Baltimore native, one of the advocates. When the Senate considered the House-approved bill on July 26, Senator Tydings, whose adopted stepson, Joseph, would follow him to the Senate in 1965, explained the parkway's military importance, which related to Friendship International Airport. He called it "the most modern airport in America," adding, "It will take any plane that is now in existence, that is now being built, or that is now on the drawing boards." That was essential in case of war:

In the event of an attack on the Capital, which is not an improbability . . . this airfield will be taken over by the Army, and will be the major defense of the Capital of the United States

I should like to say if the United States should ever be at war with a major power and if the atomic bomb should be brought into play, this airfield would be the interceptor field. There can be no question about that. In such case, we would crowd that field with all the

interceptor planes we could get and we would thank God that the field was there, if we should become involved in a major war in which the atomic bomb is thrown around. Then we shall thank our lucky stars for having the airfield constructed and available. Let there be no misunderstanding as to that. [Baltimore-Washington Parkway, *Congressional Record-Senate*, July 26, 1950, pages 11063-11064]

On August 3, 1950, President Truman signed Public Law 643, providing “for the construction, development, administration, and maintenance of the Baltimore-Washington Parkway . . . as a part of the park system of the District of Columbia and its environs by the Secretary of the Interior” (P.L. 81-643). The law authorized \$13 million (increased to \$14.5 million in 1952) for construction of the parkway to Jessup Road.

Section 1 of the law specified the limits:

All lands and easements heretofore or hereafter acquired by the United States for the right-of-way for the parkway which is being constructed by the Bureau of Public Roads between Anacostia Park in the District of Columbia and the northern boundary of Fort Meade in the State of Maryland, the extension of said parkway into the District of Columbia over park lands to the intersection of New York Avenue extended with the boundary of Anacostia Park, and including any lands required for additional connections to the Maryland road system all of which shall be regarded as an extension of the park system of the District of Columbia and its environs, to be known as the Baltimore-Washington Parkway

Section 2 of the new law explained the rationale for the parkway:

The parkway shall be constructed, developed, operated, and administered as a limited access road primarily to provide a protected, safe, and suitable approach for passenger-vehicle traffic to the National Capital and for an additional means of access between the several Federal establishments adjacent thereto and the seat of government in the District of Columbia. To avoid impairment of this purpose, the Secretary of the Interior, with the concurrence of the Secretary of Commerce, shall control the location, limit the number of access points, and regulate the use of said parkway by various classes or types of vehicles or traffic.

Under the new law, the NPS would administer the funds while the newly renamed BPR, now in the Department of Commerce, would administer the design and construction contracts. The parkway would be restricted to passenger vehicles, including interstate buses, with heavy trucks prohibited. Maryland would build its portion for general use, including trucks.

One question that came up during hearings on the bill was why Maryland should not contribute to the cost of the Federal section since the State’s travelers would benefit from it. A House report addressed the issue:

It was brought out in the discussion before the committee that while the interest of the Federal Government and the State of Maryland in the service of traffic generally which

the parkway will provide is more or less identical, the Federal Government has the primary interest in the development of the parkway from Fort Meade to the District of Columbia while the primary interest of the State of Maryland lies in the access which the extension of the parkway to Baltimore will provide to the new airport which has been constructed south of Baltimore, and expediting north and south traffic generally. [Providing for the Construction, Development, Administration, and Maintenance of the Baltimore-Washington Parkway . . . , Committee on Public Works, U.S. House of Representatives, 81st Congress, 2d Session, Report No. 1785, March 16, 1950, page 5]

The funds Maryland spent on its portion of the road were, in the committee's view, comparable to the standard Federal-State matching ratio of 50-50 for Federal-aid highway projects.

The parkway and its Maryland extension would open in segments. The first opening took place on December 16, 1950, when Governor Lane stood on a hill near the Patapsco River bridge, about a mile south of the Baltimore city line, to dedicate a section of the parkway. He called the parkway "a road for tomorrow" and one of the country's most beautiful highways. Robert M. Reindollar, chairman of the Maryland State Roads Commission, called the day historic because the parkway was the first road in the State with complete control of access. Governor Lane cut a black and gold ribbon to open the segment, with Mayor D'Alesandro and other officials included in the ceremony. ["First Completed Leg of Superhighway to Baltimore is Opened," *The Evening Star*, December 16, 1950]

On August 1, 1953, Maryland opened the remainder of the State's section from the Baltimore city limits to Jessup Road (State Route 175). The Associated Press described the section into the city:

The Baltimore connection to be opened October 28 [actually on the 30th] includes a long six-lane bridge over the main line of the Baltimore & Ohio Railroad and a direct route cut through an old slum section straight to the south edge of the main downtown business section. [Associated Press, "First U.S. Part of Parkway Due to Open Soon," *The Evening Star*, October 15, 1953]

The first Federal section opened on October 28, 1953. The 4-mile segment from Jessup Road to Fort Meade Road (State Route 602) between Laurel and Fort Meade. The opening was delayed when bolts delivered for the signs were the wrong size, and BPR had to provide new bolts. An extension from Fort Meade Road to the Laurel-Bowie road (State Route 197) was opened a few days later, bringing the total open mileage to 6.8 miles. ["Baltimore Parkway Leg Open After Delay Caused by Signs," *The Evening Star*, October 29, 1953]

Even as BPR continued work west of Laurel-Bowie Road, NPS was having second thoughts about the parkway. On December 3, 1953, the *Star* reported:

The possibility of relinquishing Federal control over the Baltimore-Washington parkway and the Suitland parkway and making them available as Maryland State roads is under study at the Interior Department, the *Star* learned today

The possibility of relinquishing Federal control, it was understood, originated during discussions of park operations called by Assistant Interior Secretary Orme Lewis, who has supervision over the Park Service.

An official of that office said the basic question under study is whether the two roads fall within the accepted Park Service concept of “parkways” and, therefore, are a proper activity of the Park Service.

(During World War II, the War Department planned the Suitland Parkway to link Bolling Field (now part of Joint Base Anacostia–Bolling Air Force Base) near the junction of the Anacostia River/Potomac River in the District’s southeast quadrant to Andrews Field (now Joint Base Andrews Naval Air Facility, home of Air Force One). PRA administered the contracts for construction of the parkway. Construction began on September 27, 1943, and was completed on December 9, 1944. After the war, the War Department considered the parkway surplus to military needs and began promoting the idea of transferring the parkway to the NPS. On August 17, 1949, President Truman approved legislation transferring the parkway (P.L. 81-242).)

Maryland, which referred to its portion of the Baltimore-Washington Parkway as an expressway, built its pavement for use by trucks. For the Federal section, “Park officials have held that the legislation intended that the intercity parkway be for passenger cars only and have so ordered.” The pavement was built with passenger vehicles, not trucks, in mind:

If they were to fall under Maryland control, one major expectation is that they would be open to truck traffic. Trucks already use the Suitland road. But park officials have taken an adamant stand that they be banned on the Federal portion of the Baltimore-Washington route.

Suitland Parkway, built with military needs in mind, had been used by trucks from the start. After taking over the facility, NPS had not imposed a truck ban.

The *Star* also reported that NPS Director Wirth “has been instructed to study the possibility and to draft tentative legislation – needed to bring it about – for consideration”:

About 10 days ago . . . Mr. Wirth told a reporter he did not consider the two roads to be true “parkways,” as his service used that term . . . Under Mr. Wirth’s definition, a parkway is “an elongated park, with a road usually used to connect two or more parks.” [Beveridge, George, “Shift of Parkways to Maryland Control is Studied by U.S.,” *The Evening Star*, December 3, 1953]

The Interior Department announced the transfer as a formal policy in congressional hearings that were made public on March 1, 1954. Secretary of the Interior McKay told a House Appropriations subcommittee, “I think we have been getting into parkways . . . where we had no business. I think we ought to leave the highways to the States and the Bureau of Public Roads, and we will stay with the parks.” He was concerned that, “If we do not watch our step we are going to be in the highway business in a big way.”

Assistant Secretary Lewis elaborated on the concern:

We have been quite upset. The parkway problem was called to our attention most forcefully by the Baltimore-Washington Parkway. It is being used for an entirely different type of service than that for which it was originally intended.

Wirth concurred, saying the Baltimore-Washington Parkway and the Suitland Parkway “are deteriorating the real concept of a parkway.” He said he had been authorized to open discussions with Maryland highway officials about the transfer. [Rogers, Harold B., “Give Parkways to Maryland, Interior Urges,” *The Evening Star*, March 1, 1954]

The final section of the Baltimore-Washington Parkway opened on October 23, 1954. District officials assembled to cut the ribbon on the 1.5-mile extension of New York Avenue, from Bladensburg Road, NE., to the newly completed Federal section. District officials had planned an elaborate ceremony with Secretary McKay and Maryland officials, but when they learned the Secretary would be out-of-town, the ceremony was shortened. With the ribbon snipped, thousands of motorists drove onto the parkway.

Representative Fallon, who had played a key role in securing funding for the project in 1950, said the parkway was “a dream I had five years ago come true.” He told reporters that the most important thing about the road was that it was a “safe alternative to Route 1, the most dangerous 30 miles in the country.” [Beveridge, George, “Parkway to Get Breaking-in by D.C. Drivers,” *The Evening Star*, October 23, 1954.]

A year earlier, the *Star* had described what driving on parallel “Old Bloody” U.S. 1 was like. Motorists driving to or from Washington had to steel themselves “for Route 1’s 38 miles of roaring trucks, treacherous crossroads, blind curves and traffic tie-ups.” Maryland road officials were hesitant to predict what would happen to U.S. 1 traffic after the full parkway was in operation, but one estimate indicated up to 65 percent of traffic would shift to the parkway. Truck traffic, however, would have to remain on the old highway because it was excluded from the Federal portion of the parkway:

Officials, however, don’t hear any death rattles coming from “Old Bloody.” They believe increasing industrial and commercial employment centers along Route 1, plus residential expansion and the normal increase in auto use, will keep it in business for a long time to come. [Beveridge, George, “Opening of Parkway to End Crawl into Baltimore,” *The Evening Star*, October 25, 1953]

As 1955 began, Maryland’s congressional delegation was considering legislation transferring the parkway to State control. At the same time, delegates to the General Assembly were considering proposals to ban trucks from the Maryland section, a proposal that had failed in 1954. The chief sponsor, Delegate Jerome Robinson (D-Baltimore City), explained that truck traffic was increasing “at an alarming rate” on the new expressway. “It is just plain foolish to build beautiful parkways and then allow heavy trucks to destroy them or make driving on them difficult.” The business association along U.S. 1 had opposed the measure, instead urging Maryland to take over the Federal section and allow trucks to use it. They were concerned that truck traffic would continue to grow on U.S. 1 at an alarming rate. [“Maryland Bid to Take Over Parkway Seen,”

The Evening Star, December 17, 1954; Goodwin, Gene, “Two Bills Seek to Ban Trucks on Expressway,” *The Evening Star*, January 11, 1955]

From the start, Maryland road officials had been skeptical about accepting ownership of the Federal segment. In a letter to the State’s House Ways and Means Committee in early 1955, Chairman McCain of the Maryland State Roads Commission estimated the State would have to spend \$2,350,000 to bring the Federal parkway up to standards suitable for trucks. The Federal segment was “not adequate, according to present day standards, to sustain heavy duty, all-type vehicular traffic.” McCain said the parkway, had an 8-inch concrete pavement laid on an 11-inch subbase, while the State expressway had 10 inches of concrete on 12 inches of subbase. [Goodwin, Gene, “Cost of Taking U.S. Parkway Section Cited,” *The Evening Star*, January 26, 1955]

Despite Maryland’s skepticism, Interior Department officials pursued the transfer of the two parkways to the State or BPR during a hearing a few months later before a House appropriations committee panel. Wirth told the subcommittee:

Roads such as the Washington-Baltimore Parkway and the Suitland Parkway are distinctly in the nature of highways requiring none of the specialized services inherent in the National Park Service organization.

NPS wanted to retain ownership of roads in National Parks, but neither of the parkways in Maryland performed as parks. NPS officials had not yet made a direct proposal to Maryland. [“Interior Pushes Plan to Turn 2 Parkways Over to Maryland,” *The Evening Star*, March 18, 1955].

The issues of ownership and truck use remained unresolved when President Eisenhower approved the Federal-Aid Highway Act of 1956. An expressway link between Baltimore and Washington had been part of the Interstate plan since its earliest incarnation in the 1939 BPR report *Toll Roads and Free Roads*. Now that the time had come to select the location for the link, the question remained open.

When Federal Highway Administrator Volpe met with District and Maryland officials on January 15, 1957, to discuss Interstate routing issues in the area, the subject was raised. The *Star* reported:

Left up in the air the question of whether the Baltimore-Washington parkway should be designated as the interstate connection between those two cities, or whether – as Maryland road officials want – a new intercity route should be built at 90 per cent Federal expense. [Beveridge, George, “U.S. Road Unit Okays Route For Expressway,” *The Evening Star*, January 16, 1957]

A few months later, the *Star* explained:

The Federal Bureau of Public Roads, it is understood, is trying to convert the expressway [i.e., the parkway] into a Federal interstate route under the new Federal Highway Act,

which would involve turning the entire road over to Maryland's care and opening it up to truck traffic.

The Maryland Roads Commission has resisted this proposal and is pressing for Federal interstate aid money for a third route between Baltimore and Washington, which would come into Washington in the area near the Montgomery-Prince Georges boundary line.

The bill banning trucks from Maryland's section had been introduced in the State legislature again despite its failure in previous sessions. If it were approved, it would eliminate the Baltimore-Washington Parkway as an Interstate route because Interstate highways must be open to all traffic. ["Fight Shapes Up to Defeat Expressway Truck Ban," *The Evening Star*, February 28, 1957]

Maryland was set on constructing an Interstate route on new location north of U.S. 1, generally parallel to and east of the Montgomery/Prince George's County line in the Washington area. In September 1958, Maryland was delaying an announcement of the location until it had acquired all the right-of-way and District officials had decided on the entrance of the route into the city, as the *Star* described:

Last November District officials engaged a Boston engineering firm to make a study of the sector between Kansas avenue [just north of the Montgomery-Prince George's County line] and Bladensburg road, N.E. as a possible point of entry, but this drew opposition then from members of the Maryland-National Capital Park and Planning Commission and the county commissioners.

The [Prince George's] county officials urged that the study be broadened to include the area between Bladensburg road and Southern avenue in hopes of getting the new highway built east of the present Baltimore-Washington parkway. They asked that the corridor connect with the proposed Anacostia freeway and the new Jones Point Bridge [Woodrow Wilson Memorial Bridge].

In the fall of 1958, officials of the Maryland State Roads Commission made the State's plans somewhat clearer by attending a zoning hearing to ask the Prince George's County Commissioners to postpone a rezoning request until the State highway agency had acquired the land needed for the new expressway. The State's district engineer, L. E. McCarl, confirmed that the State had plotted the route from Baltimore to the Chillum Road area near the District line. The property in question, on the north side of University Boulevard, meant the expressway would cross suburban Prince George's County west of the University of Maryland, which was bisected by U.S. 1:

Yesterday's disclosure, however, indicated the State Roads Commission intended to carry out its plotted route farther to the west.

The commissioners postponed action for 60 days to allow the State and the property owners to negotiate for the needed land. ["Baltimore Road to Pass West of Maryland U.," *The Evening Star*, September 18, 1958]

One reason for the location of I-95 in Maryland was the lack of expressway access to the District for the heavily populated areas between the Baltimore-Washington Parkway and I-70S in Montgomery County.

With the location of I-95 essentially set, Maryland lost what little incentive it had to take over the Baltimore-Washington Parkway. The lack of an expressway truck route between Baltimore and Washington would be solved by construction of the new Interstate, with the Federal Government paying 90 percent of the cost, rather than upgrading the Baltimore-Washington Parkway.

The idea of taking over the parkway, however, was not dead.

On July 3, 1963, Chairman-Director Funk of the Maryland State Roads Commission met with Administrator Whitton and Director Aitken to discuss the parkway's future. Funk came away from the meeting thinking they had agreed on transferring the parkway to State ownership, designating it I-95, and allowing trucks to use it. The State would widen the four-lane parkway to six lanes, strengthen the pavement for heavier traffic, and modify several interchanges to meet Interstate design standards. Funk estimated the upgrade would cost \$22 million, with BPR paying 90 percent of the cost.

Funk put this understanding in writing in early August, saying it was the "quickest and most inexpensive method of meeting the tremendous traffic demands created by the completion of the expressway network in the Baltimore-Washington corridor." He particularly wanted to divert trucks as soon as possible from U.S. 1, which he said had "reverted to the category of a local service road only."

Whitton and Aitken disagreed with Funk's recollection. Whitton said he had agreed with the idea that Maryland should take over the parkway, but not with shifting the I-95 designation from the current routing, then under construction. Aitken was upset mainly by the denial to shift designation of I-95, which was scheduled to enter the District near Sargent Road, NE., then join I-70S in the city. "I will endeavor to keep an interstate route in that corridor," he said. "Washington needs it badly," despite the difficulty of determining the location in Prince George's County and the District.

Funk, Aitken, and Whitton met again on August 15, 1963, and announced their decision that Maryland would accept ownership of the parkway and upgrade it. However, the I-95 designation would remain with the corridor under construction north of the parkway and U.S. 1 to link the Baltimore and Capital Beltways. Trucks would be permitted to use the parkway until I-95 was completed, tentatively in 1966. Aitken and Funk agreed to expedite construction of I-95 to and through the District. At the time of the meeting, officials were exploring the State and Federal legislation that would be needed to accomplish the transfer of the parkway to Maryland.

This plan, predicated on 90-percent Interstate funds, did not advance. When Senator Brewster asked BPR about it in September 1965, Director Turner explained that 90-percent funding would not be possible. BPR could not designate two Interstate routes between the same terminals. [Chapman, William, "Maryland Asks Parkway Switch to Truck Route," *The Washington Post and Times Herald*, August 7, 1963; "Trucks Get Interim Use of Baltimore Parkway," *The*

Evening Star, August 16, 1963; “Road Funds Not Allowed,” *The Baltimore Sun*, September 16, 1965]

In late 1968, Wolff revived the idea. On December 18, 1968, he wrote to Administrator Bridwell to suggest designation of the four-lane parkway as an Interstate freeway. His plan was to ensure a direct truck route between Baltimore and Washington, regardless of whether Maryland and the District agreed on construction of I-95 through the city. Maryland’s plan called for widening the parkway to six lanes between the Baltimore and Capital Beltways, with a possible widening to as many as 8 or 10 lanes inside the Capital Beltway. The 7 miles closest to Washington would be relocated on a route west of the existing road. Interchanges would be reconstructed to meet Interstate standards. In addition, the pavement on the parkway section would be strengthened for truck use. Wolff estimated that the upgrade would cost \$120 million, with FHWA providing 90 percent of the funds.

As noted earlier, Administrator Bridwell took several actions in a letter to Airis dated January 17 to resolve remaining controversies. For Maryland, he approved designation of the Baltimore-Washington Parkway as an extension of I-295. The official description of I-295 in Maryland now read:

From a junction with FAI Route 495 near the Woodrow Wilson Memorial Bridge northerly to the Maryland-District of Columbia line near Oxon Creek and from the Maryland-District of Columbia line near the Kenilworth Interchange via the Baltimore-Washington Parkway to a junction with Interstate Route 95 in Baltimore.

The approval stated, “The inclusion of the Baltimore-Washington Parkway as a part of Route 295 is subject to the concurrence of the Department of the Interior.”

Although I-295 would pass through the area on the east side of the Anacostia River, Bridwell’s approval provided for a connection between the Parkway and the proposed Industrial Freeway parallel to New York Avenue, NE., that would join the Center Leg of the Inner Loop Freeway. The six-lane Industrial Freeway was to extend from the interchange of the North Leg, East Leg, and the North-Central Freeway to the existing U.S. 50 freeway (the John Hanson Highway to Annapolis) that terminated at Bladensburg Road and was to carry the U.S. 50 designation.

Wolff said that new Governor Mandel, who had taken office on January 7, was pleased when he learned of Bridwell’s action. The next step was for the Maryland General Assembly to pass legislation accepting the NPS’s section of the parkway. A *Post* account of the news conference said, “Officials expect this to be a formality.” [Eisen, Jack, “Interstate Aid Due Parkway to Baltimore,” *The Washington Post*, January 18, 1969]

Representative Gude asked Chairman Kluczynski to hold hearings on the area’s curtailed freeway plan:

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 have been made.

He also wanted the hearing to consider former Administrator Bridwell's approval of the Baltimore-Washington Parkway as part of I-295. [Eisen, Jack, "Hearing Asked by Gude on D.C. Highway Plans," *The Washington Post and Times Herald*, January 31, 1969]