

**The original documents are located in Box 54, folder “9/7/76 HR12261 District of Columbia Criminal Laws (2)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library**

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**STATEMENT BY THE PRESIDENT**

Today, I have signed H.R. 12261, a bill "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District."

The prohibition on the Council's changing the Criminal Code is necessary because completion of the comprehensive revision and recodification of the Criminal Code by the Congress is a prerequisite to the transfer of jurisdiction to the Council over the D.C. Criminal Code.

The bill gives the District of Columbia Law Revision Commission additional time within which to make recommendations to the Congress for the comprehensive revision of the District of Columbia Criminal Code. The Commission has begun the task of reviewing the criminal laws of the District but will not be able to complete its work by January 3, 1977, when without this legislation, the D.C. Council would have been able to amend the District of Columbia Criminal Code.

No major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations.

TO THE HOUSE OF REPRESENTATIVES

I am returning, without my approval, H.R. 12261, a bill "to extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District". This bill would extend for two years, or until January 3, 1979, the prohibition against <sup>any</sup> action by the Council of the District of Columbia on ~~any~~ provisions of the present District laws relating to crimes, criminal procedure, and the treatment of prisoners.

The bill would give the District of Columbia Law Revision Commission additional time within which to make recommendations to the Congress for the comprehensive revision of the District of Columbia Criminal Code. The Commission, which was established subsequent to the enactment of the District of Columbia Self-Government and Governmental Reorganization Act, has begun the task of reviewing the criminal laws of the District but will not be able to complete its work by January 3, 1977, when, under current law, the D.C. Council will be able to amend the District of Columbia Criminal Code.

I agree that no major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations. I do not agree, however, that it is either wise or necessary to delay <sup>even</sup> further the time when the citizens of the District of Columbia, through their elected representatives may exercise the right of self-government in ~~an~~ <sup>this vital</sup> area <sup>which</sup> ~~that~~ <sup>will affect</sup> ~~affects~~ their daily lives.

the constraints imposed by the Home Rule Act itself or some overriding Federal interest. This operating principle properly should apply regardless of the views of the Executive on the merits or shortcomings of individual legislative items. In the circumstances involving H.R. 12261, *I find no justification* ~~there is simply no basis to~~ ~~warrant~~ <sup>for</sup> interference with this principle of self-determination.

For these reasons, I am returning H.R. 12261 without my approval.

THE WHITE HOUSE  
September , 1976

~~Additionally,~~ the bill would prohibit the Council from taking any action "with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 of the District of Columbia Code" (relating to weapons) until January 3, 1979.

Although some confusion has arisen regarding the intended force and effect of H.R. 12261, I am advised by the Department of Justice that the measure is <sup>only</sup> applicable in the future and <sup>is</sup> irrelevant to ~~its~~ ~~proposed~~ ~~in its~~ ~~application~~ ~~and~~ ~~is~~ ~~the~~ ~~subject~~ ~~of~~ ~~the~~ ~~bill~~ ~~and~~ ~~is~~ ~~irrelevant~~ ~~to~~ ~~the~~ ~~enactment~~ ~~of~~ ~~the~~ ~~the~~ ~~Firearms~~ ~~Control~~ ~~Regulations~~ ~~Act~~ ~~of~~ ~~1975~~" (act. 1-142), recently adopted by the District of Columbia.

Consistent with the right to self-government of District citizens, I have in the past supported fully the legislative powers of the District, subject only to

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I agree that no major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations. I do not agree, however, that it is either wise or necessary to delay even further the time when the citizens of the District of Columbia, through their elected representatives, may exercise the right of self-government in this vital area which will affect their daily lives.

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*per phone call  
call w/  
Phil  
Buchen  
9/3  
8:13 p.m.  
DJS*



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THE WHITE HOUSE

September , 1976

9/7

Mr. J. -

To add to the  
bill file, pls.

Kate

To: Johnston  
9-1-76  
5:30p



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11009 - District of Columbia  
Financial Systems Audit  
Sponsor - Rep. Diggs (D) Michigan

Last Day for Action

September 7, 1976 - Tuesday

Purpose

To establish a commission to improve the financial systems of the District of Columbia Government and to provide for an independent audit of the financial condition of the D.C. Government.

Agency Recommendations

Office of Management and Budget	Approval
District of Columbia Government	Approval
Department of the Treasury	No objection
Department of Justice	No objection

Discussion

The Congress and the General Accounting Office (GAO) have long been concerned over the quality of the District Government's financial management. In the wake of New York City's financial crisis, Senator Eagleton, Chairman of the Senate Committee on the District of Columbia, halted a proposed sale of D.C. municipal bonds and contracted with the public accounting firm of Arthur Andersen and Company for a survey of the accounting and financial management practices of the District. The Andersen survey found much of the city's bookkeeping to be unreliable, inefficient, and poorly controlled. While the

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basic soundness of revenue sources and their estimation was affirmed, the report identified a number of improvements needed in the financial controls and reporting of the District Government before an independent audit could be undertaken. It concluded that a full audit would not be possible for at least two years. Senator Eagleton subsequently introduced S. 3608, a bill to insure that the necessary improvements were designed and implemented by the District in accordance with the timetable outlined in the Andersen report. Earlier, after the Senate Committee had blocked the city's bond sale, Representative Diggs had introduced H.R. 11009, requiring congressionally approved changes to the city's financial management systems, regular progress reports on them, and annual audits. The enrolled bill combines features of each bill, relying heavily on the recommendations of the Andersen report to describe the work to be accomplished.

#### Major Provisions

H.R. 11009 is intended to institute, as soon as possible, improvements to the financial planning, reporting, and control systems of the District of Columbia Government. To initiate and oversee this activity, the enrolled bill would establish a "Temporary Commission on Financial Oversight of the District of Columbia." The Commission would consist of eight members: three members of the Senate, appointed by the President of the Senate, three members of the House, appointed by the Speaker, and the Mayor and the Chairman of the Council of the District of Columbia. Each member may designate an individual to act in his or her stead.

The enrolled bill would authorize the Commission (with the advice of the Comptroller General) to select contractors to develop plans, on behalf of the District of Columbia Government, to improve the city's financial systems. The plans would also include procedures for establishing training programs for D.C. government personnel involved in the operation of the systems. The recommended plans of each contractor would be submitted to the Comptroller General for his review and approval, disapproval, or modification, after consultation with the Commission, within 60 days. If approved by the Comptroller General, the plan would have to be implemented by the D.C. Government. Plans modified by the Comptroller General

and approved by Congress would also be required to be implemented by the D.C. Government. Action by the Comptroller General disapproving or modifying a plan could be overturned by concurrent resolution of the Congress within 45 legislative days.

The enrolled bill would also authorize the Commission to contract for a "balance sheet" audit of the financial position of the District of Columbia as of September 30, 1977, and for full audits in fiscal years 1978 and 1979, if practicable. The results of each audit would be submitted to the President, the Congress, the Mayor, the D.C. Council, and the Comptroller General. After fiscal year 1979, the enrolled bill would require that an audit be conducted annually by the District Government. If the Mayor and City Council cannot agree on the selection of an independent auditor, the Chairman of the House and Senate Appropriations Committees would jointly select an auditor, with whom the Mayor would be required to contract.

Finally, the enrolled bill would authorize the appropriation of \$16 million to the Commission -- \$8 million in Federal funds and \$8 million in "funds in the Treasury to the credit of the District of Columbia." Staff support for the Commission would be provided by the D.C. Government, several congressional committees, and the General Accounting Office.

#### Comment

Committee reports cite a history of congressional responsibility and continuing congressional financial involvement as justification for the Commission. Despite the bill's provisions imposing considerable short-term (perhaps 3-4 years), Federal control over some of the District Government's internal management, the legislative history calls the bill supportive of home rule. That is, given the irregular Federal-local relationships of the past, these are seen as one-time improvements that should have been made before home rule took effect. It is argued that such improvements can only "enhance the independence of the elected Government..." and "... minimize the future requirements for federal support." The bill is also intended to improve investor confidence in the local government and to inform Congress better with regard to local financial conditions.

With home rule, Federal responsibility for District finances -- through the Federal appropriations process -- did not disappear. The District Government, at the same time, retains the day-to-day control over the financial management systems (now under scrutiny), which it has always had. Because these financial relationships are not significantly altered -- with the exception of the new local bonding authority -- there remains a strong Federal interest in reliable statistics and reports on the financial condition of the District.

On the other hand, several provisions are obnoxious to the exercise of maximum self-government under the Home Rule Act. The enrolled bill calls only for local government "consultation," it structures a Federal (congressional) majority on the Commission, and it does not require the D.C. Government's consent to implement contractor recommendations. It therefore conflicts with the general authorities for financial management vested in the Mayor by the Home Rule Act. Some progress has already been made by the District, with the help of the GAO, in instituting better financial systems. But the activity of the Commission will supercede these efforts and keep Congress involved -- although it might choose to remain so anyway -- while this work is being carried out.

On balance, now that the D.C. Committees have taken such a forceful posture toward quick improvement of local financial management shortcomings, it would be difficult to regularize the Federal financial contributions to the District, envisioned in the Home Rule Act, without taking the actions outlined in the enrolled bill. That is, phase-out of Federal short-term cash advances and loans for capital improvements, and entry of the District into the municipal bond market for these purposes, will be nearly impossible in the immediate future without improvements to basic fiscal controls and recordkeeping. In addition, the investment and commercial community will remain skeptical of the District's financial stability -- regardless of indicators to the contrary -- as long as these concerns are current and there are no explicit Federal guarantees for local obligations.

Given the fact that the Constitution vests plenary legislative power in the Congress over the District of Columbia, Justice informally advises that it does not believe that the provisions of this bill providing for congressional membership on the



Commission and for concurrent resolution override of the Comptroller General's determinations present the kind of constitutional issues that would be involved if the bill dealt with agencies or functions of the Executive branch.

In its attached views letter, the District of Columbia Government states that there should be an increased Federal payment to the District to finance the additional responsibilities placed upon it by the enrolled bill "... since the problems which are sought to be remedied had their origin during the period when the Federal Government proscribed the city's financial management systems." We believe that the regular annual budget process is the appropriate forum in which to take up this issue.

{Signed} James M. Frey

Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 2

Time: 500pm

FOR ACTION: Steve McConahey  
~~Dawn Bennett~~  
Max Friederddorf  
Ken Lazarus  
Robert Hartmann (veto message attached)

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

Time:

September 3

100pm

SUBJECT:

H.R. 12261-DC Criminal Laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

## PROPOSED MESSAGE OF DIAPPROVAL

I am returning, without my approval, H.R. 12261, a bill "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District." This bill would extend for two years, or until January 3, 1979, the prohibition against the taking by the Council of the District of Columbia of any action with respect to any provisions of the laws codified in the District of Columbia Code relating to crimes, criminal procedure, and the treatment of prisoners. Additionally, the bill would prohibit the Council from taking any action "with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 of the District of Columbia Code" (relating to weapons), until January 3, 1979.

I view the provisions of this bill as totally inconsistent with the principal, stated purpose of the District of Columbia Self-Government and Governmental Reorganization Act, namely the "grant to the inhabitants of the District of Columbia powers of local self-government." I am therefore unable to accept these provisions.

An essential aspect of the right of self-government, which is fundamental to our system of democracy, is presently denied to the citizens of the District, as they still are without authority to enact criminal laws and those relating to judicial procedure and the treatment of prisoners. Notwithstanding that the proper subjects of such laws are of paramount concern to the inhabitants of the District, this bill seeks a further postponement of the citizen's authority to address these concerns, for another two years. It also would deny to the citizens of the District the exercise of a right -- through its elected officials -- explicitly granted to them seventy years ago, when Congress provided:

The Council is hereby authorized and empowered to make ... all such usual and police regulations ... as the Council may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind.

The original purpose of the bill was to give the District of Columbia Law Revision Commission sufficient time within which to make recommendations to the Congress

for the comprehensive revision of the District of Columbia Criminal Code. The Commission, which was established subsequent to the enactment of the Self-Government Act has begun the comprehensive task of reviewing the criminal laws of the District and has made significant progress. I agree that no major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations. However, there are additions to the criminal laws which are needed to enable the District to meet the challenges of a changing society. A number of such provisions have been proposed by the District to the Congress -- for example, proposals to prohibit the unauthorized use of credit cards, to include mobile homes within the scope of the crime of burglary, and to make it unlawful to obtain telecommunication services through misrepresentation.

The enactment by the Council of provisions such as the foregoing would not interfere with the work of the Commission. And it cannot be said that the Council requires the result of the Commission's study to weigh the need for such legislation. Nor can it be said that in the absence of the provisions of H.R. 12261 there would be no Congressional "oversight" of Section 602(c).

(2) of the Self-Government Act provides that such acts of the Council shall take effect only if not disapproved within thirty days by either the House or the Senate.

The impetus for the amendment relating to weapons-- the Firearms Control Regulations Act of 1975 -- was adopted by the Council in an exercise of the explicit police power granted it by D.C. Code, § 1-277, and for the purpose of amending similar regulations adopted by the prior appointed Council in 1969. Thus, the amendment seeks to strip the City's elected Council of an authority which Congress conferred in 1906 -- long prior to its grant of home rule.

This bill would extend, for an additional two years, the period during which the people of the District may not enact, regardless of manifest need, any criminal laws, nor any police regulations with respect to weapons. Its provisions are inconsistent with the spirit of the Self-Government Act and the principle of self-determination. It does not serve any Federal interest; rather it is addressed to a matter which is essentially local in nature.

For these reasons I am returning H.R. 12261 and asking the Congress to reconsider this bill.

**Department of Justice**  
**Washington, D.C. 20530**

August 30, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 12261, "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District."

The legislation embodied in the enrolled bill involves issues of policy which are of primary interest to the Congress and the District of Columbia Government. However, as to the specific issue of what effect Executive approval of H.R. 12261 would have on the Council of the District of Columbia enactment, the "Firearms Control Regulations Act of 1975", (act 1-142), it is the opinion of the Department that H.R. 12261, in and of itself, would not render the above referred to measure invalid.

The Department of Justice has no objection to Executive approval of this legislation.

Sincerely,



Michael M. Uhlmann  
Assistant Attorney General

## TWO-YEAR EXTENSION OF PROHIBITION AGAINST THE COUNCIL'S REVISING THE CRIMINAL LAWS

AUGUST 10, 1976.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. DIGGS, from the Committee on the District of Columbia,  
submitted the following

### REPORT

[To accompany H.R. 12261]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 12261) to extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 12261 is to continue, until January 3, 1979, the prohibition in the Home Rule Act [D.C. Self-Government and Governmental Reorganization Act, D.C. Code, Title 1, Sec. 147(a)(9)] against the Council of the District of Columbia legislating with respect to the provisions of Titles 22, 23 and 24 of the Criminal Code (crimes, criminal procedures, and treatment of criminals).

This legislation thus would extend for two additional years Congress' exclusive jurisdiction over the criminal laws of the District of Columbia. Its purpose is to give the Law Revision Commission adequate time to analyze the District's Criminal Code and to make specific recommendations to the Congress for comprehensive revision thereof, in order to turn over to the District of Columbia Government updated and modern Criminal Code provisions.

#### NEED FOR THE LEGISLATION

Enactment of the bill is necessary because the condition which was to be a prerequisite to the prohibition being lifted, namely, the completion of the revision and recodification of the District's Criminal Code by the Congress, based upon recommendations of the Congressionally-established Law Revision Commission, will not occur by the original target date, January 3, 1977.



While the Commission was established by Public Law 93-379, approved August 21, 1974, pursuant to House-approved legislation which was considered concurrently with the home rule legislation, the Commission was not organized and operational until a year later.

Delays in appointment of members of the Commission, in meeting to organize, and in funding its budget, have so handicapped the Commission that clearly the January, 1977, deadline referred to cannot be met.

In fact, the Commission by letter recently stated:

Lack of staff and inability to make contracts with essential outside consultants make it impossible to predict when a final proposed draft of a new substantive Criminal Code can be completed.

Nevertheless, the Law Revision Commission has been given a mandate to turn initially to revision of the D.C. Criminal Code and report its recommendations to the Congress. The Congress will then have a chance to make the much needed revision of the Criminal Code. This should take no longer than two years. Subsequent to that action, it seems appropriate and consistent with the concept of self-determination that the Council was given the authority to make whatever further modifications in the Criminal Code are deemed necessary.

#### HISTORY OF PROPOSED CRIMINAL CODE REVISIONS

High priority for revision by the Congress of the District's Criminal Code has been sought for a number of years.

The 1966 report of the President's Commission on Crime in the District of Columbia urged that the Criminal Code of the District be revised, and stated:

1. The Criminal Law of the District of Columbia should be revised and reformed. The review should include a reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior, to achieve fair and consistent policies of dealing with offenders, and to introduce new concepts of treatment into the code.

2. Congress should create and support a Commission to undertake revision of the District of Columbia Criminal Laws.

Examples given by the President's Commission are as follows:

The District of Columbia Criminal Law was first codified in 1901 and has not been codified since . . . The District Code has a proliferation of theft sections: Six sections cover larceny and two apply to receiving stolen property; ten sections cover embezzlement and one the receiving of embezzled property; one section covers obtaining property by false pretenses, but five cover false personation . . . A code which embraced all traditional forms of theft but eliminated overlapping provisions could minimize confusion and litigation . . . The law of robbery in the District is another illustration . . . The penalties provided in the District of Columbia Code are inequitable and inconsistent. Various sections of the Code provide different penalties for essentially the same act.

The Nelsen Commission recommended a D.C. Law Revision Commission, and in 1972 stated its support of such a Commission as follows:

Experience demonstrates that an active Corporation Counsel's Office, burdened with the day-to-day workload of litigation and accumulated administrative responsibilities, has little time or adequate facilities to undertake studies into legislative shortcomings, or exercise initiative in formulating recommendations for specific legislative improvement.

#### CRIMINAL CODE RESTRICTION IN HOME RULE ACT

At the time of the adoption of the Home Rule Act it was clear that Congress intended to make a long-needed and complete revision of the Criminal Code before turning over to the Council the power to amend the criminal laws.

The home rule bill, as it passed the House in October 1973, had a flat prohibition against the Council even amending the three titles of the Criminal Code.

In conference an arrangement was agreed to that would give such power to the Council after a hiatus of two years. It was the clear intention of the conferees that during those two years the Criminal Code would be revised and Congress would turn over to the new Council a finished product.

As stated, H.R. 12261 will give the Law Revision Commission a chance to complete its work on the criminal law, and will carry out the clear intention of the conferees expressed in the following words in the conference report to the Home Rule Act:

It is the intention of the conferees that their respective Committees will seek to revise the District of Columbia Criminal Code *prior to the effective date of the transfer of authority referred to.* (Emphasis added.)

The intention of the conferees that an entire revised Criminal Code be turned over to the Council is emphasized by the special disapproval process for Criminal Code amendments in the Home Rule Act. The conferees assumed that the completed package would be a viable Criminal Code. They wanted to make sure that amendments to that Criminal Code would not be made hastily or without complete consideration. With the purpose of safeguarding the integrity and viability of the complete Criminal Code package, the conferees on the Home Rule Act provided for a single House veto of Criminal Code changes that might be made by the Council once the jurisdiction had been transferred.

This reinforces the commitment of the Congress to maintain exclusive jurisdiction over amendments to the Criminal Code until the Law Revision Commission has completed its study and made its recommendations, and the Congress has acted on the totally revised Criminal Code.

H.R. 12261 will change the effective date of the transfer of authority over the Criminal Code, and thereby keep faith with the assurance the Committee on the District of Columbia made to the House when the Home Rule Act was adopted.

## HEARING

The Judiciary Subcommittee of the Committee held a hearing on this bill on June 29, 1976, after which it reported same favorably to the Full Committee by a vote of 6 to 2.

The Bar Association of the District of Columbia, a 105-year-old voluntary organization, consisting of over 4,000 attorneys, supported the bill.

The Council of the District of Columbia and private witnesses opposed same on a misinterpretation of the clearly-expressed intent of the Congress in its enactment of the Law Revision Commission and of the conditions under which it would consider revisions to the District's Criminal Code.

The Bar Association of the District of Columbia, through its President, presented its testimony in favor of H.R. 12261, stating in part:

A review of the Self-Government Act, together with the Law Revision Commission Act of 1974, as well as their legislative histories, clearly reveals that the drafters of the self-government legislation ultimately settled on an arrangement calling for the District of Columbia Council to acquire authority over the criminal sections of the District of Columbia two years after January, 1975, during which two-year period a Law Review Commission was mandated to give special consideration to revision of the Criminal Code. The Senate Report indicated that the District is one of only four jurisdictions which has not recently revised its Criminal Code or (was) in the process of doing so.

It appears to us, as local practicing attorneys, that an adequately funded, well-qualified, and experienced expert Commission, by carefully studying and proposing revisions to an entire criminal code, is the best method of effecting needed changes to a code which has not been revised since the early 1900's. This was recognized by the Congress, when, in 1974, it provided for the creation of the Law Revision Commission, following earlier successful examples of New York and other states. The wisdom of such an approach can hardly be disputed, particularly within the area of criminal law, which, because of the complexities involved, and because of the serious ramifications for the accused, the victim, as well as the general public, demands the highest possible degree of study and expertise before attempting to effect any modernization or revision of an entire criminal code, or even of a section thereof.

While we as lawyers respect the ability of a local legislative body to enact needed legislation, we are, nevertheless, confronted with situations, particularly in the area of criminal law, where even a most able legislative body is unable to anticipate the complexities of application of its Acts.

## COMMITTEE VOTE

On August 9, 1976, the full committee approved H.R. 12261 by voice vote.

## CONCLUSION

The great need for a revision of the District of Columbia's Criminal Code is well established. This need for a reform was expressly recognized by the President's Commission on Crime in the District of Columbia as being.

Rooted in the fact an inadequate Criminal Code can result in improvisation and poorly guided discretionary authority by police, prosecutors and judges; a lack of understanding by the public as to what conduct is unacceptable; and ultimately, a decreased respect for the law and its enforcers.

The Committee feels that this needed reform can best be accomplished through the study and recommendations of the Law Revision Commission, now in process, and hence urge the House to support H.R. 12261, the purpose of which is to give the Commission the time it needs to accomplish the important task upon which it has already embarked.

## STATEMENTS REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

## OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee's oversight findings with respect to the matters with which the bill is concerned remain as a part of its continuing Congressional oversight required by the Constitution and specifically provided for in the Home Rule Act (Sections 601, 602, 604 and 731 of Public Law 93-198).

## BUDGET AUTHORITY

This local legislation for the District of Columbia creates no new budget authority or tax expenditure by the Federal Government. Therefore, a statement required by Section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE AND COMPARISON

No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to Section 403 of the Congressional Budget and Impoundment Control Act of 1974. See cost estimate below by this Committee.

## COMMITTEE ON GOVERNMENT OPERATIONS SUMMARY

No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under Clause 2(b)(2) of Rule X.

## COSTS

The enactment of this proposed legislation will involve no added costs to the District of Columbia Government nor to the Federal Government.

## INFLATIONARY IMPACT

The bill, if enacted into law, will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL  
REORGANIZATION ACT

\* \* \* \* \*

TITLE VI—RESERVATION OF CONGRESSIONAL  
AUTHORITY

\* \* \* \* \*

## LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of title I of the District of Columbia Income and Franchise Tax Act of 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5-405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provisions of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners) during the [twenty-four] *forty-eight* full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

\* \* \* \* \*

○

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (9) of section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-147(a)(9)) is amended by striking out "twenty-four" and inserting in lieu thereof "forty-eight", and by inserting, immediately preceding the word "during", a comma and the words "or with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 of the District of Columbia Code".*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

## Gun Control in the District of Columbia

Some confusion has arisen regarding a series of events relating to a gun control law recently enacted by the Council of the District of Columbia and approved by the Mayor. Hopefully, this will serve to clarify the series of events which may be outlined as follows:

- Act.1-142, approved by Mayor Washington on July 23, 1976, would prohibit the possession of a handgun by any person within the District of Columbia on and after its effective date, except for police officers, special officers, or persons owning handguns which had been properly registered under the old law.
- Act.1-142 was grounded upon the authority of the District ". . . to make and modify . . . and enforce [certain] usual and reasonable police regulations . . ." /D. C. Code, Sec. 1-224/. Congress amplified this grant of authority in D. C. Code, Sec. 1-227 which provides that ". . . the District . . . is authorized and empowered to make . . . reasonable police regulations . . . as the /D. C./ Council may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind". (Emphasis added)
- On August 27, Congress forwarded to the President, H.R. 12261 which would postpone for two years more the authority to be delegated to the D. C. government by Section 602 (a) (9) of Pub. L. 93-198 /the so-called "Home Rule Act"/. Section 602 (a) (9) authorizes the D. C. government to enact amendments to title 22 or 24 of the D. C. Code /relating to crimes and treatment of prisoners/after January 3, 1977.
- H.R. 12261 also contains the so-called "Dent Amendment" /after Rep. John Dent (D.-Pa.)/ which purports to disapprove of Act.1-142 and thus make the local gun control law a nullity. However, under Section 602 (e) (1) of the "Home Rule Act", the exclusive method of disapproving an enactment of the D. C. government is by "concurrent resolution" within a period of 30 legislative days after final D. C. action. Therefore, the so-called "Dent Amendment" itself would appear to be a nullity.
- On September 1, the House is scheduled to take up H. Con. Res. 694 to disapprove of Act. 1-142. Under the "Home Rule Act", this concurrent resolution would also require the approval of the Senate but would not come to the President for his signature.
- The President has not, to date, expressed himself on any of the particulars discussed herein.

Since H. Con. Res. would not require Presidential approval, there is simply no gun control issue currently under review at the White House. September 7 is the last day for action on H.R. 12261.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 2

Time: 500pm

FOR ACTION: Steve McConahey cc (for information): Jack Marsh  
 Dawn Bennett Jim Connor  
 Max Friedersdorf M.C. Ed Schmults  
 Ken Lazarus  
 Robert Hartmann (veto message attached)

FROM THE STAFF SECRETARY

DUE: Date:

Time:

September 3

100pm

SUBJECT:

H.R. 12261-DC Criminal Laws

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend approval. Both Houses passed by voice vote and veto would likely be overridden. John Rhodes strongly recommends signing because Presidential veto would incite anti-gun control lobbyists to oppose President. Gun lobby perceive bill as very favorable to them because*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

*of Dept Amendment*

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
 Staff Secretary

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 2

Time: 500pm

FOR ACTION: Steve McConahey cc (for information): Jack Marsh  
 Dawn Bennett Jim Connor  
 Max Friedersdorf Ed Schmults  
 Ken Lazarus  
 Robert Hartmann (veto message attached)

FROM THE STAFF SECRETARY

DUE: Date:

Time:

September 3

100pm

SUBJECT:

H.R. 12261-DC Criminal Laws

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

please return to judy johnston, ground floor west wing strongly

Counsel's Office/recommends disapproval of H.R. 12261. Approval of the measure would be fundamentally inconsistent with the President's announced position on his role with respect to the legislative powers of the District government. Attached is a draft veto message -- the draft's provided by the District and OMB are deficient in that they raise unnecessary discussions and fail to make the two principal points relevant here: (1) the standard by which legislative acts of the District are to be measured; and (2) the fact that H.R. 12261 is totally irrelevant to the recent enactment of a local ban on the possession of handguns.

Ken Lazarus 9/3/76  
 Phil Buchen concurs.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
 For the President

TO THE HOUSE OF REPRESENTATIVES

I am returning, without my approval, H.R. 12261, a bill "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District."

The purpose of the bill is to give the District of Columbia Law Revision Commission additional time, until January 3, 1979, within which to make recommendations to the Congress for the comprehensive revision of the District of Columbia Criminal Code. The Commission, which was established subsequent to the enactment of the District of Columbia Self-Government and Governmental Reorganization Act, has begun the task of reviewing the criminal laws of the District but will not be able to complete its work by January 3, 1977, when, under current law, the D.C. Council will be able to amend the District of Columbia Criminal Code.

I agree that no major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations. I do not agree, however, that it is either wise or necessary to delay further the time when the citizens of the District of Columbia, through their elected representatives, may exercise the right of self-government in an area that affects their daily lives.

The Congress should not prohibit changes in the District of Columbia's criminal laws which may be needed now to meet the problems of the community. A number of such changes have been proposed by the District and are pending before Congress. Granting the power to the District of Columbia Council to legislate on local matters such as these would not interfere with the work of the Commission. Furthermore, the Council does not require



the results of the Commission's study to weigh the need for such legislation. Nor is this bill necessary to enable the Congress to protect the Federal interest in the District of Columbia. The home rule law gives the Congress clear authority to disapprove District of Columbia legislative acts.

Finally, an amendment to H.R. 12261, added on the floor of the House with hasty and inadequate consideration, would prohibit the Council from taking any action "with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 of the District of Columbia Code" (relating to weapons), until January 3, 1979. This provision is objectionable on two grounds: first, like the bill as a whole, it is an unnecessary erosion of the home rule concept; second, it is ambiguous and its potential effect on other actions of the District of Columbia Government is unclear.

For these reasons, I am returning H.R. 12261 without my approval.

THE WHITE HOUSE

September , 1976

THE WHITE HOUSE  
WASHINGTON

Doug:

This is a revised version of the veto message on the D.C. Criminal bill. It is a combination of revisions from Ken Lazarus (mostly) and the Domestic Council. I have cleared it with OMB so it just needs you.

A handwritten signature in black ink, appearing to be "ORNA" with a long horizontal stroke extending to the right.

TO THE HOUSE OF REPRESENTATIVES

I am returning, without my approval, H.R. 12261, a bill "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District". This bill would extend for two years, or until January 3, 1979, the prohibition against action by the Council of the District of Columbia on any provisions of the present District laws relating to crimes, criminal procedure, and the treatment of prisoners.

The bill would give the District of Columbia Law Revision Commission additional time within which to make recommendations to the Congress for the comprehensive revision of the District of Columbia Criminal Code. The Commission, which was established subsequent to the enactment of the District of Columbia Self-Government and Governmental Reorganization Act, has begun the task of reviewing the criminal laws of the District but will not be able to complete its work by January 3, 1977, when, under current law, the D.C. Council will be able to amend the District of Columbia Criminal Code.

I agree that no major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations. I do not agree, however, that it is either wise or necessary to delay further the time when the citizens of the District of Columbia, through their elected representatives, may exercise the right of self-government in an area that affects their daily lives.

Additionally, the bill would prohibit the Council from taking any action "with respect to any criminal offense pertaining to articles subject to regulation under ~~chapter~~ <sup>Chapter</sup> 32 of title 22 of the District of Columbia Code" (relating to weapons) until January 3, 1979.

Although some confusion has arisen regarding the intended force and effect of H.R. 12261, I am advised by the Department of Justice that the measure is solely prospective in its application <sup>and thus would not invalidate the</sup> ~~and is thus totally~~ ~~inapposite to the enactment of the~~ "Firearms Control Regulations Act of 1975" (act. 1-142), recently adopted by the District of Columbia.

Consistent with the right to self-government of District citizens, I have in the past supported fully the legislative powers of the District, subject only to

OK  
JP

the constraints imposed by the Home Rule Act itself or some overriding Federal interest. This operating principle properly should apply regardless of the views of the Executive on the merits or shortcomings of individual legislative items. In the circumstances involving H.R. 12261, there is simply no basis to warrant interference with this principle of self-determination.

For these reasons, I am returning H.R. 12261 without my approval.

THE WHITE HOUSE

September , 1976

## TWO-YEAR EXTENSION OF PROHIBITION AGAINST THE COUNCIL'S REVISING THE CRIMINAL LAWS

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AUGUST 10, 1976.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. DIGGS, from the Committee on the District of Columbia,  
submitted the following

### REPORT

[To accompany H.R. 12261]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 12261) to extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 12261 is to continue, until January 3, 1979, the prohibition in the Home Rule Act [D.C. Self-Government and Governmental Reorganization Act, D.C. Code, Title 1, Sec. 147(a)(9)] against the Council of the District of Columbia legislating with respect to the provisions of Titles 22, 23 and 24 of the Criminal Code (crimes, criminal procedures, and treatment of criminals).

This legislation thus would extend for two additional years Congress' exclusive jurisdiction over the criminal laws of the District of Columbia. Its purpose is to give the Law Revision Commission adequate time to analyze the District's Criminal Code and to make specific recommendations to the Congress for comprehensive revision thereof, in order to turn over to the District of Columbia Government updated and modern Criminal Code provisions.

#### NEED FOR THE LEGISLATION

Enactment of the bill is necessary because the condition which was to be a prerequisite to the prohibition being lifted, namely, the completion of the revision and recodification of the District's Criminal Code by the Congress, based upon recommendations of the Congressionally-established Law Revision Commission, will not occur by the original target date, January 3, 1977.

While the Commission was established by Public Law 93-379, approved August 21, 1974, pursuant to House-approved legislation which was considered concurrently with the home rule legislation, the Commission was not organized and operational until a year later.

Delays in appointment of members of the Commission, in meeting to organize, and in funding its budget, have so handicapped the Commission that clearly the January, 1977, deadline referred to cannot be met.

In fact, the Commission by letter recently stated:

Lack of staff and inability to make contracts with essential outside consultants make it impossible to predict when a final proposed draft of a new substantive Criminal Code can be completed.

Nevertheless, the Law Revision Commission has been given a mandate to turn initially to revision of the D.C. Criminal Code and report its recommendations to the Congress. The Congress will then have a chance to make the much needed revision of the Criminal Code. This should take no longer than two years. Subsequent to that action, it seems appropriate and consistent with the concept of self-determination that the Council was given the authority to make whatever further modifications in the Criminal Code are deemed necessary.

#### HISTORY OF PROPOSED CRIMINAL CODE REVISIONS

High priority for revision by the Congress of the District's Criminal Code has been sought for a number of years.

The 1966 report of the President's Commission on Crime in the District of Columbia urged that the Criminal Code of the District be revised, and stated:

1. The Criminal Law of the District of Columbia should be revised and reformed. The review should include a reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior, to achieve fair and consistent policies of dealing with offenders, and to introduce new concepts of treatment into the code.
2. Congress should create and support a Commission to undertake revision of the District of Columbia Criminal Laws.

Examples given by the President's Commission are as follows:

The District of Columbia Criminal Law was first codified in 1901 and has not been codified since . . . The District Code has a proliferation of theft sections: Six sections cover larceny and two apply to receiving stolen property; ten sections cover embezzlement and one the receiving of embezzled property; one section covers obtaining property by false pretenses, but five cover false personation . . . A code which embraced all traditional forms of theft but eliminated overlapping provisions could minimize confusion and litigation . . . The law of robbery in the District is another illustration . . . The penalties provided in the District of Columbia Code are inequitable and inconsistent. Various sections of the Code provide different penalties for essentially the same act.

The Nelsen Commission recommended a D.C. Law Revision Commission, and in 1972 stated its support of such a Commission as follows:

Experience demonstrates that an active Corporation Counsel's Office, burdened with the day-to-day workload of litigation and accumulated administrative responsibilities, has little time or adequate facilities to undertake studies into legislative shortcomings, or exercise initiative in formulating recommendations for specific legislative improvement.

#### CRIMINAL CODE RESTRICTION IN HOME RULE ACT

At the time of the adoption of the Home Rule Act it was clear that Congress intended to make a long-needed and complete revision of the Criminal Code before turning over to the Council the power to amend the criminal laws.

The home rule bill, as it passed the House in October 1973, had a flat prohibition against the Council even amending the three titles of the Criminal Code.

In conference an arrangement was agreed to that would give such power to the Council after a hiatus of two years. It was the clear intention of the conferees that during those two years the Criminal Code would be revised and Congress would turn over to the new Council a finished product.

As stated, H.R. 12261 will give the Law Revision Commission a chance to complete its work on the criminal law, and will carry out the clear intention of the conferees expressed in the following words in the conference report to the Home Rule Act:

It is the intention of the conferees that their respective Committees will seek to revise the District of Columbia Criminal Code *prior to to the effective date of the transfer of authority referred to.* (Emphasis added.)

The intention of the conferees that an entire revised Criminal Code be turned over to the Council is emphasized by the special disapproval process for Criminal Code amendments in the Home Rule Act. The conferees assumed that the completed package would be a viable Criminal Code. They wanted to make sure that amendments to that Criminal Code would not be made hastily or without complete consideration. With the purpose of safeguarding the integrity and viability of the complete Criminal Code package, the conferees on the Home Rule Act provided for a single House veto of Criminal Code changes that might be made by the Council once the jurisdiction had been transferred.

This reinforces the commitment of the Congress to maintain exclusive jurisdiction over amendments to the Criminal Code until the Law Revision Commission has completed its study and made its recommendations, and the Congress has acted on the totally revised Criminal Code.

H.R. 12261 will change the effective date of the transfer of authority over the Criminal Code, and thereby keep faith with the assurance the Committee on the District of Columbia made to the House when the Home Rule Act was adopted.

## HEARING

The Judiciary Subcommittee of the Committee held a hearing on this bill on June 29, 1976, after which it reported same favorably to the Full Committee by a vote of 6 to 2.

The Bar Association of the District of Columbia, a 105-year-old voluntary organization, consisting of over 4,000 attorneys, supported the bill.

The Council of the District of Columbia and private witnesses opposed same on a misinterpretation of the clearly-expressed intent of the Congress in its enactment of the Law Revision Commission and of the conditions under which it would consider revisions to the District's Criminal Code.

The Bar Association of the District of Columbia, through its President, presented its testimony in favor of H.R. 12261, stating in part:

A review of the Self-Government Act, together with the Law Revision Commission Act of 1974, as well as their legislative histories, clearly reveals that the drafters of the self-government legislation ultimately settled on an arrangement calling for the District of Columbia Council to acquire authority over the criminal sections of the District of Columbia two years after January, 1975, during which two-year period a Law Review Commission was mandated to give special consideration to revision of the Criminal Code. The Senate Report indicated that the District is one of only four jurisdictions which has not recently revised its Criminal Code or (was) in the process of doing so.

It appears to us, as local practicing attorneys, that an adequately funded, well-qualified, and experienced expert Commission, by carefully studying and proposing revisions to an entire criminal code, is the best method of effecting needed changes to a code which has not been revised since the early 1900's. This was recognized by the Congress, when, in 1974, it provided for the creation of the Law Revision Commission, following earlier successful examples of New York and other states. The wisdom of such an approach can hardly be disputed, particularly within the area of criminal law, which, because of the complexities involved, and because of the serious ramifications for the accused, the victim, as well as the general public, demands the highest possible degree of study and expertise before attempting to effect any modernization or revision of an entire criminal code, or ever of a section thereof.

While we as lawyers respect the ability of a local legislative body to enact needed legislation, we are, nevertheless, confronted with situations, particularly in the area of criminal law, where even a most able legislative body is unable to anticipate the complexities of application of its Acts.

## COMMITTEE VOTE

On August 9, 1976, the full committee approved H.R. 12261 by voice vote.

## CONCLUSION

The great need for a revision of the District of Columbia's Criminal Code is well established. This need for a reform was expressly recognized by the President's Commission on Crime in the District of Columbia as being.

Rooted in the fact an inadequate Criminal Code can result in improvisation and poorly guided discretionary authority by police, prosecutors and judges; a lack of understanding by the public as to what conduct is unacceptable; and ultimately, a decreased respect for the law and its enforcers.

The Committee feels that this needed reform can best be accomplished through the study and recommendations of the Law Revision Commission, now in process, and hence urge the House to support H.R. 12261, the purpose of which is to give the Commission the time it needs to accomplish the important task upon which it has already embarked.

## STATEMENTS REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

## OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee's oversight findings with respect to the matters with which the bill is concerned remain as a part of its continuing Congressional oversight required by the Constitution and specifically provided for in the Home Rule Act (Sections 601, 602, 604 and 731 of Public Law 93-198).

## BUDGET AUTHORITY

This local legislation for the District of Columbia creates no new budget authority or tax expenditure by the Federal Government. Therefore, a statement required by Section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE AND COMPARISON

No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to Section 403 of the Congressional Budget and Impoundment Control Act of 1974. See cost estimate below by this Committee.

## COMMITTEE ON GOVERNMENT OPERATIONS SUMMARY

No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under Clause 2(b)(2) of Rule X.



COSTS

The enactment of this proposed legislation will involve no added costs to the District of Columbia Government nor to the Federal Government.

INFLATIONARY IMPACT

The bill, if enacted into law, will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

\* \* \* \* \*

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

\* \* \* \* \*

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

- (1) impose any tax on property of the United States or any of the several States;
- (2) lend the public credit for support of any private undertaking;
- (3) enact any act, or amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;
- (4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);
- (5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of title I of the District of Columbia Income and Franchise Tax Act of 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5-405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provisions of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners) during the [twenty-four] *forty-eight* full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

\* \* \* \* \*



Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Today, I have signed H.R. 12261, a bill "To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District."

The prohibition on the Council's changing the Criminal Code is necessary because completion of the study for the comprehensive revision and recodification of the Criminal Code by the D.C. Law Revision Commission is a prerequisite to the transfer of jurisdiction to the Council over the D.C. Criminal Code.

The bill gives the Commission additional time within which to make recommendations to the Congress for the comprehensive revision of the District of Columbia Criminal Code. The Commission has begun the task of reviewing the criminal laws of the District but will not be able to complete its work by January 3, 1977, when without this legislation, the D.C. Council would have been able to amend the District of Columbia Criminal Code.

No major revision of the District's criminal laws should be undertaken without the benefit of the Commission's recommendations.

# # # #