

tion and prompt response to my request for a hearing on my bill, H.R. 16948.

As all of you know many business establishments here in the District were totally destroyed during the recent riot. A goodly number of the men and women who owned these businesses have lost their sole means of earning a living; some have lost their entire life savings; some have recouped a portion of their loss through insurance; few, if any, have been or will be completely reimbursed for their losses.

To add to this already calamitous situation, it was recently brought to my attention that the District of Columbia law requires that these same unfortunate people remove the rubble and debris left from their burned out and looted businesses at their own expense. To me this was the straw that broke the camel's back.

It seems unreasonable and unfair to add to the already heavy burdens of those businessmen whose businesses have been wiped out and whose property has been totally destroyed by arsonists, the expense of removing the rubble. Surely they cannot be held responsible for the riots and fires which destroyed their property. But since the District government is responsible for maintaining law and order and for preventing and suppressing riots, looting and burning, then it seems only fair and reasonable to me that the District government should bear the cost of removing the resultant debris.

Before introducing H.R. 16948, I spoke with the Corporation Counsel of the District of Columbia, Mr. Charles T. Duncan, and he indicated that he, too, agrees that the businessmen should not be held liable for the removal of the rubble left by the riots; and that, further, he would favor this kind of legislation.

While I am not an attorney, it is my understanding that there is ample legal precedent for such legislation and, in fact, many states now have statutes which impose liability on a municipality for damage or personal injury by riots and mob violence; and, further, that the constitutionality of such statutes has been upheld by the Supreme Court of the United States. In order to assist the committee in its deliberation, I am submitting for the record copies of several Law Review articles dealing with this subject.

In conclusion I wish, once again, to thank the committee for its promptness in scheduling this bill for a hearing and urge that you take fast and favorable action for the relief of both the City of Washington and its unfortunate businessmen who desperately need whatever help we can give them.

Thank you.

(The documents referred to follow :)

TRENDS IN MUNICIPAL LIABILITY: RIOT DAMAGES

[Reprint from *Illinois Law Journal*, May 1967]

(By Robert E. Jaffe and Gary W. Dubin)

The authors discuss the concept of imposing liability on a municipality for damage and injury caused by riots and mob violence, and conclude that this trend will continue with the enactment of more statutes and the evolution of more case law creating such liability even in the absence of statutes. Mr. Jaffe is a member of the law firm of Garber, Gutfeld & Jaffe, Cleveland, Ohio. Mr. Dubin is an associate in the same firm. This article originally appeared in the July 1966 *Cleveland Bar Association Journal*.