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COMMISSIONER OF POLICE

HEARINGS BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA HOUSE OF REPRESENTATIVES NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 14430 and H.R. 14448

TO ESTABLISH A COMMISSIONER OF POLICE FOR THE
DISTRICT OF COLUMBIA

JULY 24, JULY 29, AND OCT. 1, 1968

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TO ESTABLISH A COMMISSIONER OF POLICE FOR THE DISTRICT OF COLUMBIA

WEDNESDAY, JULY 24, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 10:30 o'clock a.m., in Room 1310 Longworth House Office Building, Hon. John L. McMillan, chairman of the committee, presiding.

Present: Representatives McMillan (chairman), Dowdy, Whitener, Sisk, Jacobs, Walker, Nelsen, Harsha, Broyhill, Winn, Gude, and Zwach.

Also present: James T. Clark, Clerk; Hayden S. Garber, Counsel; Sara Watson, Assistant Counsel; Donald Tubridy, Minority Clerk; and Leonard O. Hilder, Investigator.

The CHAIRMAN. The committee will be in order.

The hearing this morning is on H.R. 14430 and H.R. 14448, to establish a Commissioner of Police for the District of Columbia.

(H.R. 14430 and H.R. 14448 follow:)

H.R. 14430, 90th Cong., 2d Sess., by Messrs. McMillan, Abernethy, Dowdy, Hagan, Fuqua, O'Konski, Winn, Steiger and Broyhill; and H.R. 14448, by Mr. Whitener, on Dec. 13, 1967.

A BILL To establish a Commissioner of Police for the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established in the government of the District of Columbia an independent office with the title of "Commissioner of Police in the District of Columbia". The officer who holds that office shall be known as the "Police Commissioner". The Police Commissioner shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, for a term of four years. Any appointment made to fill a vacancy in such office shall be made in the same manner as the original appointment. Any Police Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Police Commissioner may continue in office after the expiration of his term of office until his successor is appointed and qualifies. The Police Commissioner is subject to removal by the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, for inefficiency, neglect of duty, or malfeasance in office. The Police Commissioner shall receive compensation at the rate of \$28,730 per annum.

SEC. 2. (a) There are transferred to the Police Commissioner the functions, powers, and duties of—

(1) the Commissioner of the District of Columbia and the District of Columbia Council with respect to the Metropolitan Police force;

(2) the Secretary of the Interior with respect to the United States Park Police in the District of Columbia;

(3) the Secretary of the Treasury with respect to the White House Police;

(4) the Sergeants at Arms of the House of Representatives and the Senate and the Capitol Police Board with respect to the Capitol police; and

(5) the Secretary of the Smithsonian Institution with respect to the National Zoological Park police force.

(b) The Police Commissioner may establish such review boards as he deems advisable. The Police Commissioner may appoint and fix the compensation of such personnel as he deems advisable to carry out his functions, powers, and duties under this Act, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service, classification, and General Schedule pay rates.

(c) As soon as practicable after the date of the enactment of this Act, the Police Commissioner shall make recommendations to Congress for the enactment of such legislation as may be necessary to make the police forces under his jurisdiction subject to the same provisions for appointments, promotions, dismissals, compensation, retirement, and similar matters.

(d) Nothing in this Act shall be construed to—

(1) authorize the Police Commissioner to combine any of the police forces under his jurisdiction or transfer any officer or member of a police force under his jurisdiction to a position in another police force under his jurisdiction without the prior consent of such officer or member; or

(2) affect the rights and privileges under personnel laws and regulations in effect before the date of the enactment of this Act of any officer or member of a police force under the jurisdiction of the Police Commissioner.

SEC. 3. (a) There is established the Police Commissioner's Advisory Commission (hereafter in this section referred to as the "Commission"). The Commission shall at the request of the Police Commissioner advise him with respect to the performance of his functions, powers, and duties.

(b) The Commission shall be composed of nine members appointed by the chairman of the Committees on the District of Columbia of the House of Representatives and the Senate, acting jointly. At any time at least five members of the Commission must be individuals who were residents of the District of Columbia for a period of three years prior to the date of their appointment to the Commission. A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) (1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of three years.

(2) Of the members first appointed—

(A) three shall be appointed for terms of one year,

(B) three shall be appointed for terms of two years, and

(C) three shall be appointed for terms of three years,

as designated at the time of appointment.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(d) (1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive \$75 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

The CHAIRMAN. The first witness we shall hear is our colleague, the Honorable Joel T. Broyhill, of Virginia, one of the sponsors of the legislation.

**STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF VIRGINIA**

Mr. BROYHILL. Mr. Chairman:

This legislation creates a Commissioner of Police for the Nation's Capital under direct control of the Congress. The Commissioner would assume complete jurisdiction over the Metropolitan Police, the Park Police, the White House Police, the Capitol Police, and the National Zoological Park Police—now under jurisdiction of the Commissioner and City Council, the Secretary of the Interior, the Secretary of the Treasury, the Sergeants at Arms of the House and Senate, and the Secretary of the Smithsonian, in that order.

The bill would also create a nine-man advisory commission, five of whose members would be citizens of the District of Columbia.

The Commissioner would be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, and would be directly responsible to the Congress. He would be charged with the creation of the necessary agency to discharge the duties of his office, and would be similar in character to the Comptroller General or the Public Printer in his role as a servant of the Congress.

Mr. Chairman, this organizational structure is patterned in part on nearly a century and a half of success experienced by a distinguished police force in another world capital. Since Sir Robert Peel created the Metropolitan Police District of London in 1829, the police force known to millions throughout the world as "Scotland Yard" has functioned under a Commissioner of Police directly responsible to Parliament's office of the Home Secretary, and not to the municipal government of London. Today it is a respected, highly effective organization of 19,000 men.

Great Britain has 148 regular police forces, all of which are controlled by local authority, with the sole exception of Scotland Yard. It also should be noted that, contrary to popular notion, Scotland Yard has no official jurisdiction outside of Greater London. To be sure, its Central Investigative Division cooperates with and assists other police forces throughout the United Kingdom and throughout the world.

I think it's fair to say that Scotland Yard has functioned with a record of efficiency which is the envy of police departments the world over, and those of us who have been in London in recent years can attest to the safety of that city and to the good relations that exist between Londoners and their police.

It is my desire to see created a force such as the Metropolitan Police of London here in the city of Washington, D.C. It is not my desire to create a national police force, or a secret police establishment to grind under foot the legitimate complaints of the citizens of the District of Columbia and its visitors.

I strongly urge that we reflect a moment on the success of the British and the advantages that are possible to achieve under such a system. There are obvious financial gains to be had. The Metropolitan Police Force will cost the city of Washington \$48,033,000 during the next fiscal year. This figure will be higher as time goes on. This is an expense that could constitutionally be borne by the Congress, and a substantial savings to the city could accrue if this legislation is enacted.

I believe the Congress could afford and would approve the necessary funds to staff and equip a department equal to the police needs of the city. It could also afford and I believe would approve funds necessary to bridge the gap between the people of the District of Columbia and the police officer. Such an effort would call for educated, highly talented personnel, and coordinated efforts to project the police officer in the role of guardian as well as enforcer of the law, and would have to be prosecuted vigorously. None of these things can be done as effectively under the present system as they could be done under this proposal.

FAILURE OF LOCAL GOVERNMENT

I submit, Mr. Chairman, that the present District of Columbia Government, as created by the President's Reorganization Plan No. 3 of 1967, has demonstrated that it is utterly incapable of administering an effective police force, and of maintaining law and order in the nation's Capital. The D.C. Commissioner, the members of the City Council, and the Commissioner of Public Safety, are harassed and obviously intimidated by the rising chorus of voices from the city's lunatic fringe, voices that bay continuously at the rights of decent citizens and at constitutional authority.

During the past year, under this government, the signs of this intimidation have been numerous. The riots of last April brought destruction, looting, and death to innocent citizens of this city. And despite the denials of government officials, there is much evidence that the policemen on the streets during this holocaust were given to understand, from some source, that they were to "go easy" on the rioters. And just recently, the D.C. police officers have been instructed to ignore obscene and abusive language directed at them, and thus to use even more "restraint" in their efforts to avoid arresting lawbreakers.

I point also to the rising success of the Black United Front, an organization of radicals whose membership includes the Vice Chairman of the D.C. City Council, and whose goal apparently is to bring about a complete state of anarchy in the District of Columbia. This is the organization whose members scream "police brutality" whenever a white police officer dares to apprehend a Negro lawbreaker, and who unanimously declare the slaying of a white policeman trying to make such an arrest to be "justifiable homicide." And as these words are spoken, a crackpot proposal by this same Black United Front—that neighborhood control over the city's police precincts be established—is actually being dignified by a public hearing before the D.C. City Council.

The fact that an irresponsible and dangerous pressure group like this can so influence those who are supposed to rule this city is incontrovertible evidence that no longer is the District of Columbia Government capable of providing adequate police protection for the lives and property of its decent, law-abiding citizens and of the millions of visitors to the city each year.

This is the reason, Mr. Chairman, why the morale of the D.C. police officer and his family is at an all-time low. Crime in the nation's Capital is rising at a rate of 35 percent per year, and it is my contention that the situation will continue to grow worse unless and until the

Congress recognizes its responsibility to this Federal city and enacts this legislation to assure law and order in the nation's Capital.

It is evident that by coordinating and combining the five local police forces under a single administrative head, a superior service can be created. The forces would remain autonomous in their operations, and their personnel would be protected against transfer without their consent. However, many advantages would certainly result from such an administrative consolidation.

Finally, this legislation offers an opportunity to bring a maximum degree of self-determination for the citizens of the District of Columbia a step nearer. It offers an opportunity to clarify the Federal interest and responsibility in the District. Also, it offers an opportunity to heal one of this city's greatest and most destructive ills. I urge favorable action on this bill.

FEDERAL RESPONSIBILITIES

Mr. Chairman, briefly, we know that many problems with which the Metropolitan Police Department is confronted are almost exclusively a Federal responsibility. For example, the recent demonstration of the so-called Poor People's March and Resurrection City was an attack or demonstration against the Federal Government, not against the people of the District of Columbia. Of course, it became a Federal responsibility that we protect the citizens and provide whatever police protection was necessary. It was not necessarily an expense of the District Government.

There are many other national functions which occur here not that Resurrection City should be dignified as a national function but there are ceremonies for which police protection is needed and which could be considered Federal functions rather than local.

We most certainly should consolidate the recruitment and training program of the police departments, and this would result in much more efficiency and less expense.

We hear charges about police brutality, and concern about our Metropolitan Police Force being handcuffed and having to operate under restraint. Mr. Chairman, there is no question that the Capitol Police Force is not requested to act within restraints. They know they will have the backing of the Members of Congress in enforcing the law. I have yet to hear any charge of police brutality leveled against any member of the Capitol Police Force, and they are not even a trained professional group such as the Metropolitan Police Force.

Frankly, I do not think we have any choice here, Mr. Chairman. This is the Federal city, and it is our responsibility to protect the Federal interests and the millions of tourists who come here to Washington.

To have a vociferous minority group in the District of Columbia trying to run this Police Department is somewhat similar to having the tail wagging the dog. I have nothing against any complaint that a citizen of the District of Columbia may want to bring against its government or the Police Department. They should have that right. But they are not the only people who are involved in this situation, nor the only ones who need and require police protection.

I say it is the responsibility of the Congress, and that we should provide this protection. The only way we can be sure of maintaining a good Police Department, as we have now, and to make sure it does not decay through lowering of morale and the appointment of police officers on the basis of race rather than ability—and thus assure the high level and standards we have now, is to bring the D.C. police forces under the complete control and jurisdiction of the Congress of the United States.

Thank you, Mr. Chairman.

SCOPE OF THE BILL

The CHAIRMAN. I would like to ask the gentleman a question. The proposed legislation would not destroy any of the present police forces, would it? As I understand it, they would not lose the autonomy they already have.

Mr. BROYHILL. I am glad the Chairman asked me that, because I think it should be emphasized that it would not disturb the autonomy of the five departments. No member of any department could be transferred without his consent.

Incidentally, Mr. Chairman, the Metropolitan Police Department is used as a source of recruitment for the White House Police. It is my understanding that no member of the Metropolitan Police Department is transferred to the White House Police Force without his consent and without the approval of the Metropolitan Police Department.

The advantage of consolidation is that in the event of emergency, which we have, unfortunately, on many occasions, it is a more streamlined way of coordinating the effectiveness of the five police departments for the protection of the general community.

Secondly, as I said before, we would have a more efficient and economical means of general recruitment. Police departments all need the same type of high-level training. All five departments certainly have the same general problem with recruitment. So, why should we not consolidate that activity where the general responsibility is somewhat the same.

The CHAIRMAN. Is it not also a fact that the original reason for creating the District of Columbia was to protect the Congress and Government officials from outside interference while attending to their official duties? It is my understanding, after reading the history of the Nation's Capital, that Washington was never intended to be a large industrial city. I do not believe that anyone can conscientiously state that the streets of Washington are safe at the present time.

Are there any questions that anyone cares to ask Mr. Broyhill?

Mr. HARSHA. Mr. Broyhill, I wonder why you feel that the District of Columbia should not bear some of the expense of this coordinated police force. Surely the residents of the District of Columbia are provided police protection by this force. Why is it solely a Federal responsibility under your legislation?

Mr. BROYHILL. As the gentleman knows, under existing law we authorize a \$70 million annual payment to the District of Columbia to supplement the local revenue. We just recently raised that in the House to \$80 million. We have also appropriated \$175 million in other programs to supplement the operating costs of the District of Columbia. I feel that if we could take over the duties and responsibilities of some

of these functions, such as perhaps the Fire Department, and the Department of Highways and Traffic, and provide those services and know that they are being provided, then we can be relieved of the responsibility of Federal financing of other general operations of the District of Columbia.

I suspect this would ultimately cut back on the Federal payment and eventually might even eliminate the necessity of a Federal payment for the operation of the District of Columbia.

The CHAIRMAN. I would suggest to the gentleman that the annual Federal payment to the District of Columbia was \$70 million.

Mr. HARSHA. Would you object to making this Commission that the bill provides for, a bipartisan Commission?

Mr. BROYHILL. No. The fact of the matter is, as the gentleman knows—I think the gentleman is a co-sponsor of the bill—

Mr. HARSHA. No.

Mr. BROYHILL. I did not expect it to be perfect in its original draft. I knew, as the result of our hearings, that we would certainly need to make improvements to the bill. I see no objection to that, as far as I am concerned.

Mr. HARSHA. Does the gentleman know of any other problem in the present set-up, other than what he has alluded to in his statement? Are we having other problems or have there been other criticisms that you are aware of, indicating the necessity of a change such as this legislation proposes?

Mr. BROYHILL. We shall hear from the D.C. Police Association, and also from the White House Police. There are numerous instances of lowering morale in the Police Department, making it difficult to get new recruits, if this problem continues, it can destroy the efficiency and effectiveness of the Police Department. I think we will hear testimony to that effect.

Mr. HARSHA. That is all I have.

Mr. BROYHILL. I request that a splendid article pointing up the problems resulting from nine separate police forces in Washington be printed in the record.

The CHAIRMAN. Without objection, it will be included.

(The article referred to follows:)

TOO MANY CHIEFS—NINE INDEPENDENT POLICE FORCES DO NOT NECESSARILY GIVE US MORE PROTECTION

(By R. D. Heintz Jr., Reprint from *The Washingtonian*, June 1966, Vol. 1, No. 9)

Need a policeman? Whom should you call? Most likely you'd think of the Metropolitan Police ① (444-1111). But perhaps you're in Rock Creek Park—that would be Park Police ② (DU 1-7411). However, if you're at the Zoo, even though deep in Rock Creek, you'd phone the Zoo Police ③ (CO 5-0743). If a soldier were involved, your best bet might be the Armed Forces Police ④ (OX 8-3277); if on the Capitol grounds, the Capitol Police ⑤ (CA 5-5151)—but watch out: you could need the Supreme Court Police ⑥ (EX 3-1640); their jurisdiction starts just across 1st Street, N.E., where the Capitol Police's stops. A White House matter would involve the White House Police ⑦ (GL 6-1414). At National Airport you'd ring the Airport Police ⑧ (RE 7-6131) and should you be at McMillan Reservoir or Dalecarlia or Georgetown Reservoir, you'd call the Engineer Corps Aqueduct Police ⑨.

If variety is any standard, Washington may well be the world's best-policed city. Those badge-wearing men in blue all over town actually are members of at least a dozen separate forces.

Some—162 members of the White House Police, 196 U.S. Park Police and the Metropolitan Police force of 2850—are authorized to carry guns on and off duty and have full powers of arrest throughout the District. Others, in almost identical uniforms, must check their weapons on leaving their posts and have no more arresting authority outside their own bailiwicks than any citizen who has witnessed a felony.

These forces include:

The 216-member Capitol Police, headed by a Metropolitan Police deputy chief, Charles J. Sullivan. Their beat is Capitol Hill; the men almost all Congressional patronage appointees, include many working their way through law school.

The 33-member Supreme Court Police, many of them trained in the Metropolitan Police rookie school.

The 37-man Zoo Police, who use Metropolitan Police ticket books for traffic violations on the Zoo grounds.

The 20-man Aqueduct Police, an agency of the Army Corps of Engineers charged with protecting the District's water supply. MacArthur blvd., from the District line to Great Falls, Md. is in their exclusive jurisdiction.

The U.S. Special Police, 1580 strong, guard those Federal buildings which lack their own forces. Their chief is John J. Agnew, a former deputy chief of Metropolitan Police.

The D.C. Government Special Police, 59 men, guard the District's offices and property, including courtrooms and condemned buildings.

Special Police, mostly guards in nongovernment buildings, include employees of uniformed detective agencies. Special Police badges, issued by Metropolitan Police, number 959.

The D.C. Police Reserve is an unarmed, unpaid, blue-uniformed volunteer force of 1032 citizens attached to Metropolitan Police precincts. Organized in World War II, they serve at parades, guard fireboxes on Halloween.

That adds up to 7144 policemen—not counting about 140 Armed Forces Police, plus Federal Bureau of Investigation and Treasury agents and postal inspectors, and many others with arms and police powers. But take a close look at the badge next time you see a man in blue.

When Representative James C. Cleveland was assaulted by a robber in his House Office Building suite one night last March, the resulting outcry prompted outraged legislators to demand "professional" police protection. This crime also helped remind Washingtonians that Capitol Hill is the exclusive preserve of the Capitol Police, one of the eight police forces other than the Metropolitan Police operating in the District of Columbia. However, when the man now charged with attacking the New Hampshire congressman was arrested in less than 24 hours, it came as no surprise that the arrest was made by the Metropolitan Police. When serious crime fighting or crime detection is required, it is usually the Metropolitan Police, rather than one of the other eight departments, who are called on to do the job.

To some, the thought of so many separate police forces standing by to help our citizens might convey the idea that Washington has plenty of police protection. But this is not necessarily so. It is more accurate to say that what police protection we do have is split various ways. What these police forces do, have, and are—and how they fit into the city's jigsaw puzzle of jurisdictions—this article will try to explain. However, *why* Washington, which President Johnson would like to see become the best-policed city in the United States, should have so many police forces is another matter. There seems to be little, except the theory of Topsy's growth, to justify our proliferation of police protection.

The District of Columbia (and certain contiguous Federal territory beyond the District line) is policed not by one but by nine uniformed forces. Six of them have exclusive jurisdiction over some bit or piece of Washington or its Federal environs, while the other three overlap in covering the rest. These nine departments do not include those of Montgomery County, Prince Georges, Arlington, Fairfax, or Alexandria, which of course do not reach into Washington. However, even some areas within these locations come under the jurisdiction of the Park Police, the Aqueduct Police, or the Airport Police.

Obviously the most important though possibly the most misnamed force in town is the Metropolitan Police. How can a force be called "metropolitan" when it stops at the District line and has half a dozen other departments in its own territory?

The Metropolitan Police, however, are Washington's front-line troops in the grinding, deadly war against crime and disorder. Numbering 3,150 police and civilian employees (with 22 percent Negro patrolmen), rarely up to authorized strength because of recruiting difficulties and discouraging pay scales, it is the Metropolitan Police who catch and arrest the felons, take the casualties, and backstop the other police whenever real trouble comes.

The MPDC's resources, divided among fifteen precincts and four specialized divisions (Traffic, Detective, Morals, and Youth Aid), include 181 cruisers and scout cars, 14 patrol wagons, 92 motorcycles, and six police boats. The department's communications reach every vehicle, 90 of some 150 foot patrol beats, and 937 call boxes. By means of the area police teletype net and common-aid radio circuit which joins the important police agencies of the District and adjoining Maryland and Virginia, police headquarters keep in close touch with all the area's emergencies and misdoings. And the MPDC will, when it is installed, operate the recently announced million-dollar-a-year police computer system which, serving all forces in metropolitan Washington, is a long step toward a truly unified regional police effort.

To employ these resources in coping with Washington's more than 25,000 serious crimes per year (according to the FBI, our 1965 score was 25,462), Chief John B. Layton has a budget of about \$38 million. It is little enough. Sixty-six men of the MPDC have given their lives in the line of duty in this century alone—five (and one police dog loyal unto death) during the past two fiscal years. Last year 20 policemen won medals for feats of valor or merit ranging from gunpoint confrontation with armed madmen to rescuing fifteen persons from a blazing building. For \$6,010 a year—base pay of an MPDC private—the taxpayer takes such heroism for granted.

Top among our professional, hard-working police officers, and recent successor to the capable, deeply respected Chief Robert V. Murray, the present chief, Layton, has much to live up to. The extent to which he will succeed remains to be seen. If Chief Layton proves unable to stem Washington's rising crime rate he will certainly hear from one prominent Washingtonian, President Johnson, who in March said, "We must bring the latest and most effective methods of law enforcement to the District of Columbia."

One controversial local police problem, which was watched closely by at least one former President, stems from the very existence of the District's second largest police force, the 290-man U.S. Park Police. An anomalous body, in theory part ranger, mainly in fact a snugly funded mix of highway patrol and city traffic police, the Park Police—or "Sparrow Cops," as they were once known—have primary jurisdiction over the twenty per cent of Washington which falls under National Park Service jurisdiction, including Constitution and Independence avenues, the 776 circles, triangles, squares, the Civil War forts, and other greenwards of Washington. They also have secondary jurisdiction everywhere else in the District, just as the Metropolitan Police, when they get a respite from crime in the streets, can work the parks. Park Police patrol one-fifth of the District; for this Washington taxpayers contribute one-third of the Park Police budget.

Outside Washington, the Park Police have a constellation of responsibilities—mainly 74.6 miles of Federal highway patrol—ranging from near Baltimore to Seneca (federally owned Park Police territory.) The empire of the Park Police today is so extensive that patrolmen carry summons books for three different U.S. District Court jurisdictions—Richmond, Alexandria, and Baltimore—into which their clients may be haled.

Larger by itself than a police force for a city of 75,000, the Park Police, with their 40 scout cars, 32 motorcycles, two horse vans, and 23 horses (Washington's only mounted police), and their new \$700,000 Potomac Park headquarters, their separate Police Academy, laboratory and photo lab, are per capita Washington's most costly police. Even the Park Police uniforms—gaudy or distinctive, according to your taste—are, at \$500 per set, the most expensive in town. Acknowledging the cost-differential between Park and Metropolitan police, the Interior Department's T. Sutton Jett, who for 27 years has ably presided over our parks, says the return is worthwhile: With 15 million yearly visitors, Washington needs, he says, a kind of "visitors police" to aid tourists, range the parks, and police the Cherry Blossom Festival and other special events. On the other hand, crime statisticians will note that the Park Police, with about ten per cent of the Metropolitan Police uniformed manpower, in 1964 (according to the FBI) logged only

208 serious crimes, compared to the 22,392 handled that same year by the MPDC. Last year, however, the Park Police did hand out 34,900 traffic tickets.

Nelson Murdock, who heads the Park Police, is the outstanding police chief of the region. Because of long national park experience, he, unlike Chief Layton, whose public relations are often inept, is public-oriented to a degree unusual in his calling. He is canny and statesmanlike in his approach to problems, and popular with his colleagues. In four years here he has raised the Park Police from a squabbling camarilla to what he now describes as "a strong, proud, capable unit." He also fiercely defends their autonomy as a separate force and rejects the suggestion, sometimes heard around town, that the Park Police (more than doubled since 1945) represent one of the most successful feats of empire-building in the region.

Besides the two big departments just described, each branch of our government has its own police in Washington: the White House Police, the Capitol Police, and the Supreme Court Police. Although all three cooperate closely with the Metropolitan Police, each has its own exclusive jurisdiction. The common primary function of these three departments is, according to White House Police Chief Ralph C. Stover, preventive. They protect the President and first family, our lawmakers, and Supreme Court justices from intruders, criminals, and plain nuts. There is his friend, Chief J. M. Powell of the Capitol Police. The Supreme Court's Captain T. V. Slominski (like Stover and Powell, a veteran alumnus of the Metropolitan Police) has to deal with so many eccentric ladies that—on Chief Justice Warren's personal suggestion—he has taken on a policewoman, making the Court's 33-man police the smallest D. C. force to have a policewoman.

The 213 men of Major Stover's White House Police are the elite of the town, and for good reason. In providing security for the White House and Executive Offices, no mistakes are allowed. Until 1922 this function was performed by special detail from the MPDC, but in that year the White House Police were established in their own right, which gives the Harding Administration at least one worthwhile achievement. By law their men come from the ranks of the Metropolitan and, occasionally, the Park Police; and Major Stover—quiet-spoken, intelligent, and keen on his job—sees that he gets the best. Men who fail to stand up at 1600 Pennsylvania Avenue go back onto the beat. Of all Washington's lesser departments, except of course the Armed Forces Police, the White House Police have the most solid case for autonomy. They also have—as Puerto Rican assassins learned when they tried to shoot their way into Blair House in 1950—some of the best pistol shots in the country. In 1940 their team won the world championship and, as a bulging trophy cabinet shows, they have been near the top ever since. They are the only Washington police, besides the Metropolitan, to have had a patrolman shot and killed in line of duty in the past fifteen years.

Chief Powell's Capitol Police—270 patronage appointees (mostly night-school law students, it is said) and a hard core of 35 regulars seconded from the MPDC—hold sway over the grounds of the Capitol, an irregular territory extending from Union Station to A Street, S.W./S.E.—155 acres in all. This area, outside the reach of the Executive Branch, is under exclusive control of the sergeants at arms of the House and Senate. Chief Powell, his 22 detectives, and the ten men a night who pound beats on the Hill, are detailed from the Metropolitan Police. Like the White House people, they make few arrests. But they do dispense tickets freely to D.C. residents and tourists who mistakenly park in the extensive spaces reserved for members of Congress and their staff. And with the Hill surrounded by a high-crime area, they keep their eyes open, and felony arrests by the Capitol Police are not unknown.

The Supreme Court Police have an even smaller patch of jurisdiction (one square block) than the White House force's 25 acres. Together with the White House Police they are one of the special groups who have no prowls cars. But Captain Slominski, a gnarled, kindly professional with a long memory of Washington police annals, keeps his men—100 percent qualified pistol shots—up to a tight standard. Besides crackpots, they cope with as many as 17,000 visitors a day, answering questions such as "How much does the building weigh?" or "Where does the jury sit?" They also tactfully maintain decorum in court by nudging counsel to keep their coats buttoned and prompting lady lawyers not to wear hats—one of the long standing rules of the Court.

The Armed Forces Police, 159 officers and men from the Army, Marines, Navy, and Air Force, are the region's only literally metropolitan force: Their jurisdiction—limited, of course, to service people—covers the District of Columbia

plus five counties in Maryland and seven in Virginia. Their commander, Colonel R. F. Wheeler, USA, a square-cut combat veteran of the Army's Corps of Military Police, has his headquarters in the Navy Yard, his own brig, radio network, 22 cruisers, and ten capacious paddy wagons. Like other departments in Washington, the Armed Forces Police have long been integrated. "We have 153 men, four uniforms, two colors, and one job," he remarked. The Armed Forces case load is impressive: In 1965, besides 221 major felonies, they handled 5,541 other criminal offenses and 3,121 military offenses, investigated 874 accidents, and apprehended 674 deserters. This is no indication that the Armed Forces are crime-ridden, but simply that Washington has a large military population, both transient and garrison, and also that the Services do their share to protect Washington.

Of our last three police forces, that of Washington National Airport, headed by Chief James P. Dillon (who spent 25 years with the Port of New York Authority), is the only one not actually within the District. But since Chief Dillon's 45 men and two cruisers perform a vital function for the city, and because his jurisdiction—all Federal property—abuts Washington, the Airport Police can be considered one of our forces. Although he breasts a tide of seven million passengers a year, Chief Dillon takes an essentially optimistic view: He encounters very little crime ("People here are intent on traveling"), few dips, and no numbers operators or con men to speak of. "There is a very good atmosphere around an airport," he says, and he aims to keep it that way.

The smallest and lowest-paid force in Washington—twenty men and three cruisers—is the Engineers Corps's Acqueduct Police, headed by Captain E. J. Kerns, a brisk, twinkly-eyed officer who somewhat resembles the late Bobby Clarke. Captain Kerns's jurisdiction is by no means small, however. It includes all of Washington's reservoirs and MacArthur Boulevard but as far as Great Falls, where, aside from the physical security of the water systems, the force's main job is to keep speeders and overweight trucks from pounding in the conduits which underlie the road. If you are nabbed by the Acqueduct men on the Maryland side of the line, you may ultimately find yourself in court in Baltimore, where Federal jurisdiction over Montgomery County heads up.

Like a pearl inside an oyster, the 176-acre exclusive jurisdiction of the Smithsonian Institution's Zoo Police, under Captain Joseph J. McGarry, is wholly surrounded by another jurisdiction (Park Police), which in turn is girt about by the Metropolitan Police. With 29 men, his own radio net, one cruiser, and two radio-equipped scooters, Captain McGarry protects the animals against four million people a year. Aside from traditional Easter Monday riots (which the Metropolitan Police have helped damp down), the Zoo Police are mainly troubled by traffic violations and truants. "This place," one officer says, "is a marshalling area for truants." As they straggle in, they find Captain McGarry, a trim, leathery old-timer from the Corps of Military Police, waiting with open arms.

Although one of Harry Truman's earliest vetoes, in June 1945, kept Congress from sliding the Park Police—at least in the District—under MPDC command, he evidently regretted it later. A subsequent promise, destined to go unfulfilled, was that, if he ever got the chance, he would put all police in Washington into one truly metropolitan department.

Like other uncompromising ideas of President Truman, his view that police in the District of Columbia should be unified is, even today, intensely controversial, with many separate empires, much prestige, and rich bureaucratic prizes at stake. How touchy the issue is among our police chiefs is indicated by their reactions to my question: "What are the arguments against a Presidential Reorganization Plan or Congressional action to legislate all police and all jurisdictions within the District—White House and Armed Forces Police excepted—into one really metropolitan department?"

Gun-shy at the very thought, Chief Layton refused to discuss the question.

Park Police Chief Murdock, predictably, was vehemently opposed. "What do I think?" he asked. "It would be like martial law * * * dictatorship * * * the first step toward a national police."

Of the five remaining chiefs queried, two—significantly, with small departments—said that unification was the only solution. All were emphatic that the political difficulties in persuading the departments of Interior and Defense, the Smithsonian Institution, the House and Senate sergeants at arms, the Supreme Court, and the Federal Aviation Agency, to yield their slices of the local police pie would be great. This obviously is true.

Yet it is also obvious that in addition to our hard-pressed Metropolitan Police holding the line against heavy odds, Washington in effect has a duplicate police force which, whatever else it may attend to, catches few felons, takes no casualties, costs considerable money, and demands substantial resources. This duplicate, or phantom force—composed of Park Police, Capitol Police, Supreme Court Police, Airport Police, Aqueduct Police, and Zoo Police—includes 667 uniformed patrolmen, 50 cruisers, 34 motorcycles, 23 horses, one duplicate police academy, a crime and a photo lab, and numerous headquarters. On a gravely congested frequency spectrum, they tie up six extra radio frequencies.

The 1965 budget for this phantom police force totaled about \$5,838,633—roughly a million dollars of this (for the Park Police) contributed by local taxpayers. An extra \$6 million could buy Washingtonians a lot more hardcore police protection where it counts.

Naturally, Rock Creek Park, Capitol Hill, Hains Point, the Supreme Court, the Airport, the aqueduct, even the Zoo, would still have to be policed. But how much more efficient it would be to have the sum total of the District of Columbia's police resources unified in a truly metropolitan force, rather than depending, as Washington must today, on cooperative jury-rigs. Chief Murdock holds that "unification of effort," coupled with wide-open autonomy for all nine departments, is the answer; surely it is—from a Zoo or Park Police standpoint. But from the standpoint of the people who live in Washington and pay for police protection, just plain unification would be even better.

The CHAIRMAN. At this time I would like to call on Mr. Margolius, representing the Policemen's Association.

STATEMENT OF BERNARD MARGOLIUS, COUNSEL, POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA

The CHAIRMAN. I understand the majority of the officials of your organization are attending a convention at this time. Hence, that is the reason for their absence.

Mr. MARGOLIUS. Mr. Chairman:

My name is Bernard Margolius, Mr. Chairman. I am Counsel for the Policemen's Association of the District of Columbia. At this particular moment the President and Chairman of the Legislative Committee of the Association are at the national convention of the National Association of Police Associations. I have been asked to come here and say a few words.

I have not had time to prepare a written statement because of the short notice, and I happen to be involved in a police case at this particular moment. I have no written statement, but I will give you, if I may, a few comments concerning how the Police Association feels about this.

RESPONSE TO QUESTIONNAIRE

When the so-called Broyhill bill was introduced, the officers of the Association obtained copies of it and circulated it among the members of the Association, comprised of 4600 persons, including 91 percent of the men on the Metropolitan Force, including also White House Policemen, Park Policemen, and retired policemen. A copy of the bill was printed by the Association and circulated among the members of the Association. They were asked by a questionnaire to answer either:

"I favor this proposal," or

"I oppose this proposal." And they were asked to make comments, if they had any.

This was done before the serious situation which has arisen in the last few months.

As of March of 1968, which was before the riots, of course, the results showed: Of those answering this questionnaire, 1642 favored the bill, 334 opposed it.

I might say that we have the cards. Many of them have comments on them. A great many of them do not.

Mr. WHITENER. May I ask how many you sent out?

Mr. MARGOLIUS. We sent out 4600 to the entire membership. I do not know what the membership was at that time. It may have been 4500, but in the neighborhood of 4500.

I do not want to be personal about this to any member of this committee, but some of the cards stated that opposition to the bill was based upon the fact that it was introduced by Congressman Broyhill. This was the substance of such opposition.

I have picked out at random, in the short time I have had, to read to you, if I have your permission—

Mr. BROYHILL. If you had mentioned the other sponsors, you might have had more opposition.

Mr. MARGOLIUS. That might be.

I would like to read, if I may, some of the comments made by these men on cards that I picked out at random. These are all votes "Yes." Incidentally, some of the opposition to this proposal was an objection to bringing the Zoo Police into the same category as the Metropolitan Police. There was some opposition, also, from some of the Park Police officers, who felt that they may be losing some of their individuality. There was some fear, because of a misunderstanding of the bill, that men could be transferred from one department to another, but of course the bill is very clear that a man cannot be moved from one section to another.

I would like to read this, if I may. I think these speak beautifully of what is going through the minds of some of our policemen. I would like to say personally, not on behalf of the Association, if this vote were taken today, it would be overwhelmingly more in favor than it was in March.

One comment: "I am with the District of Columbia Metropolitan Police Department, and I know that the morale of many of our men is adversely affected by the almost continuous harassment of our men by the civil rights organizations and militants. I believe that if our top officials were responsible primarily to Capitol Hill, they would be more resistant to those who harass us and would have a tendency to back their men more. I have several reasons for favoring this change, but this is the major one.

"There also seems to be a concerted effort to demoralize our men and dominate our Department. We have become the local whipping boy."

Another comment: "I feel that this will do much toward attaining the state of professionalism so long sought after by police officers."

Another comment: "A Police Commissioner would tend to establish responsibility, prevent foot-dragging, develop efficiency, coordination and professional attitudes and improved morale."

Another comment: "I feel it is about time the police efforts in D.C. were coordinated."

Another one: "I feel this would help professionalize police work in the District of Columbia."

Here is one: "The morale of the Department being at an all-time low, I believe it is urgent to get this bill into law soon, before many good men leave the Department."

Another one: "I am in favor of the continuing viable interest by the Congress in the affairs of the District of Columbia."

Comment: "Sincere compliments and thanks to Mr. Broyhill, et al., for a rapid and brilliant attempt to save an otherwise hopeless prospect for police in the Nation's Capital."

"Very pleased with the proposal. This would certainly boost the morale of the Metropolitan Police Department and greatly improve police enforcement in the Nation's Capital."

Mr. JACOBS. Are these statements anonymous or signed?

Mr. MARGOLIUS. These are unsigned, sent in by members of the Association. They are not signed.

Another one: "I believe this would boost the morale of all policemen, and I believe the citizens would look on us differently and with pride, as this would put a stop to the Police Department being used as a whipping boy for all."

Another comment: "There are too many people running the Police Department above the rank of Chief—Mayor, Council, Members of Congress, and others."

Another comment: "I am sure this could be a saving in operating costs and overhead."

Another comment: "Would eliminate the pressure groups from the Police Department and the Commission."

I could go on. There are numerous ones like this. They all seem to indicate that there is in this bill some saving grace with respect to professionalism in the Department, increase of morale, and also the elimination of what might be termed, called by several of these officers, making the Metropolitan Police the whipping boys of the District.

I have also been asked by one of the members of the D.C. Police Wives Association, who could not be here today, to say that they are in favor of the bill, and they will submit to the committee at a later time a written statement.

I have nothing else to say on behalf of the Association unless the committee would like to ask me some questions.

The CHAIRMAN. Would any member care to question Mr. Margolius?

NEED FOR COORDINATION

Mr. BROYHILL. Mr. Margolius, you mentioned some of the objections to the Zoo Police being brought up to the same standard as the other forces. I know there is a feeling among some of the members of the Police Department that the members of the Zoo Police Force does not have the same training and responsibility.

This is not merging the operation of the different police departments. I want to make that abundantly clear. The proposal is for an administrative consolidation only.

The other objection is the fear of personnel being transferred from one force to another without their consent. There will be an abundance of protection against that.

One of the objectives of the bill is to elevate the status of the Zoo Police, as well as of the Capitol Police. The Capitol Police is a pa-

tronage force now, and they do not get the same professional training as the Metropolitan Police Force. So, it is the hope of some of the sponsors of this legislation that in the future we will provide the same training and skills in the Capitol Police Force as in the Metropolitan Police Force. No longer will we have the feeling that the Zoo Police are not of the same stature as the Metropolitan Police Department. I think that can be very quickly overcome.

Certainly, as far as transfer is concerned, all the present positions would be abundantly protected as they are at the present time.

The gentleman also pointed out that if the poll were taken now, it would be much more overwhelmingly in favor of this proposal than it was back in March.

MR. MARGOLIUS. I can only prophesy that. I am positive that it would be.

I also would like to comment, for what it may be worth, that Resurrection City, being on Federal property, and the Metropolitan and Park Police having been coordinated during that experience, and also the demonstrations on the Hill which have existed in the past, which of course require coordination between the Capitol and the Metropolitan Police, further establish some bases for a common head.

MR. BROYHILL. Some of the members of the Park Police commented to some members of this committee that they could not go in and arrest people after they jumped over the fence and snatched a pocket-book and other things from tourists passing by. Have you any comment on that?

MR. MARGOLIUS. I do not have those comments. I would like to make some personal observations, but since I am in a hearing involving two policemen, perhaps three policemen, involved in a shooting, I think I must refrain from doing that. I think this bill is merited.

MR. SISK. Do I understand the bills you are basically endorsing are H.R. 14430 and H.R. 14448? Are those the two bills you are talking about?

MR. MARGOLIUS. They are identical bills, are they not? Yes. We call it the so-called Broyhill bill.

MR. SISK. I do not want to detract from anything said by my good friend from Virginia, but I just noted that Mr. McMillan, Chairman of the Committee, joined with him and several others, including the gentleman from Virginia, in introducing H.R. 14430; and of course H.R. 14448 is sponsored by our colleague, Mr. Whitener.

MR. BROYHILL. I made that abundantly clear at the beginning of the hearings. There is no pride of authorship on my part.

MR. SISK. I am not discounting your interest in this at all. I just wanted to be sure that the witness was not talking about another bill, separate and apart from these two.

That is all, Mr. Chairman.

MR. JACOBS. Sir, has your organization done any research into the constitutionality of this legislation in reference to the separation of powers?

MR. MARGOLIUS. No. Now that you ask the question, I eliminated those comments because I thought it might not be material to read something that a policeman says. Several of the responses were to the effect that Congress has control over the District, and they should therefore retain it—this is the comment of several policemen, not by

the officers or counsel—and that this was bringing the Police Department back into the Constitution. That is a comment by policemen. We have not researched it.

Mr. JACOBS. Let us take up page 2 of this bill, H.R. 14448, which states the contemplated new police organization would assume the duties with respect to the White House Police. Do you see any problem there in separation of powers?

Mr. MARGOLIUS. You are asking my opinion now?

Mr. JACOBS. Yes, sir.

Mr. MARGOLIUS. No, I do not. I think that is an administrative function just like parks and grounds. Just because it happens to be at the White House does not take it out of the jurisdiction of Congress.

Mr. JACOBS. As I understand, the classic constitutional law concept on the theory of separation of powers, is that except for policing its own institution, the Congress is legislative, whereas the Executive is constituted to execute the laws that the Congress passes.

I should think perhaps some research would be warranted into that question before this legislation is seriously considered.

Beyond that, as a practical matter, I just wonder how it would work out. Every once in a while the Congress and the Executive have differences of opinion, and here the Congress would have charge of the "Palace Guard" at the White House. Do you think that would present any practical problem?

Mr. MARGOLIUS. I never thought about it. It may be. As a practical matter, I would not think so. Perhaps it would.

Mr. JACOBS. It is something we ought to think about.

I am somehow reminded of a bill introduced a few years ago—it was before my time here, so it is a matter of hearsay. Somebody told me a bill was introduced to create a special flag for Congress. Maybe some of the older Members may recall that. Somehow or other, I find this rather reminiscent. It seems to me it is proposed that Congress create its own police force. The proposal for that flag bill did not pass, as I understand.

You stated in your testimony that it was the opinion of many police officers—and I assume the opinion of yourself, sir—that by being controlled by the Congress, the police force would attain greater professionalism.

Mr. MARGOLIUS. That is not my opinion. I have no opinion on that. I am not a professional policeman. I do not know.

Mr. JACOBS. I just wonder, if you took into account the Rayburn Building and the way it was built, if you could come to the conclusion that greater professionalism can result from the committee kind of executive that is contemplated in this bill; that is, the chairman of this committee and the chairman of the counterpart in the other body and the Speaker of the House and the President pro tem of the Senate. That is approximately the arrangement by which the Rayburn Building was built.

Would you see any contradiction there in reality with what is assumed by these police officers?

Mr. MARGOLIUS. Being a native-born Washingtonian, I would have to agree with you about the Rayburn Building, but how it came to pass, I do not know.

Mr. JACOBS. They say a camel is an example of something done by a committee.

Mr. MARGOLIUS. I would say I have not analyzed the details of the bill per se, section by section, but there is a phase of this bill that is significant to a policeman. If I may expound just a moment—

Mr. JACOBS. I wish you would.

Mr. SISK. Would the gentleman yield for a clarifying question here? I lost the connection here about the Rayburn Building.

Mr. JACOBS. I will be glad to respond to my colleague.

A statement made in response to a question here indicated it was the thought of many police officers that the professionalism—I presume that means the efficiency and reliability of operations, the carrying out of plans—generally the professionalism of the Police Department would be upgraded if we in Congress controlled the police forces of the District of Columbia.

I am saying we built the Rayburn Building as a group.

Mr. WHITENER. The gentleman has brought it up, and you have agreed with him. What is wrong with the Rayburn Building?

Mr. JACOBS. First, the ceiling is three times higher than it needs to be.

In the second place, it is too big.

In the third place, it is too ornate.

In the fourth place, which brings up the next point of whether it would lower the overhead of the Police Department, it cost at least two, maybe three times as much as was planned.

The fact of the matter is that the Congress does a fairly good job in legislating, but our past record of being executives by implementation through committee action has not been too good, and that is a conspicuous example.

That balustrade across the street on the Cannon Building is another conspicuous example.

I am trying to respond to the question of the gentleman.

Mr. SISK. I have great respect and admiration for my good friend from Indiana, and he knows this. I am one who happens to support the Rayburn Building and I believe we did a good job and built a good building, and as a resident in that building, I think it is an excellent facility and was much needed. I just want to say I disagree with my friend that that is an example of poor Congressional management.

With that, I appreciate the gentleman's yielding.

Mr. JACOBS. I will not respond further. There is an honest difference, and my colleague from California has an entirely honest mind.

Mr. MARGOLIUS. When I said something about the Rayburn Building, I meant I do not happen to agree with the architecture. That is my personal opinion.

Mr. WHITENER. If I may comment, in law school, we did not have any courses in architecture. I do not know where you went to law school.

Mr. MARGOLIUS. You are right.

Mr. JACOBS. You do not need a course in architecture. You can see it.

FEDERAL RESPONSIBILITIES

The CHAIRMAN. This is all extraneous. We wish to obtain a real Police Department here and one that everybody cannot disturb and tear apart. At the present time I do not think the police know who is their boss. We would like to place the Police Department in the hands of some person who has backbone enough really to protect the Police Department and enforce the laws in the statute books.

Mr. MARGOLIUS. I started to say a moment ago that the one feature of this bill that I looked at and noticed is that here is the appointment of a number of advisory commissioners, a board of commissioners, to oversee the police. I think this is one of the most relevant features of the bill, which will deal with disciplinary problems and financial problems and salary increases and retirement benefits.

I believe Congress at this particular time, as always in the past and as I am sure it will continue in the future, is so cognizant of the problems of crime in the District, because most Congressmen live in the District, that this will not resolve itself into anything but a good thing.

I would like to add very quickly that we members of the Association are very proud of Chief Layton and think that he has done a magnificent job as Chief of the Metropolitan Police Department. Anything said here with respect to any possible change is not to be taken in any shape or form as any reflection upon the Chief of the Metropolitan Police Department.

POLICE PROBLEMS

I see the men on the force every day because I help them with their problems. I do not see the good side. They come to me when they have their problems, when they are being sued for a million dollars for violation of civil rights or they are being charged at the Morgue with a shooting, or they are down before the Trial Board because they happened to call a citizen by the wrong name. Today the word "boy" can take them before the Trial Board, although the policeman must stand out on the streets and take all kinds of abuse and hear all kinds of language directed at him, and must stand still and cannot make an arrest. These are the men I see. Therefore, they voice their problems to me.

One of their big problems is the fear of what will happen to them in the near future in the District. There are two sides to this story, and there are two sides to every story. There is the citizen's side and there is the police enforcement side.

I know a good enforcer in the wrong neighborhood is not going to stay in that neighborhood too long, because he will have a gang of citizens testifying against him as to some violation of regulations that he committed. This is what happens.

As I say, I cannot get into some existing problems which are going on right now, but this is a good demonstration of what can happen to an enforcer.

A particular policeman was an enforcer in a certain neighborhood, and now 6 or 7 or 8 witnesses have come and stated under oath that this particular policeman fired his gun point blank at a citizen. Well,

the hearing today will prove through the FBI that that policeman never shot his gun. Yet, there are 6 or 7 eye-witnesses who swear to God under oath that that policeman shot this man point blank.

This is what the police in the city of Washington are worried about. I have said in the past, because I represent a great many policemen in retirement cases and other cases—I have said and will continue to say what the man who wants to be a policeman in the District of Columbia ought to be given a medal. Any man who will walk up the back streets of Washington at 2:00 o'clock in the morning should be given a pat on the back and some encouragement, and not be shot at every time he goes on the street. This is the toughest job in the world. You could not give a normal citizen this job for \$50,000 a year, and yet you expect these men, young kids, 21 years of age, still wet behind the ears, to come out there and walk the streets of Washington and, on the spur of the moment, as we have heard many times, be a law enforcement officer, be a judge, be a prosecutor, make decisions which we as lawyers cannot make unless we go to the books, and these men are called upon on the spot to make decisions. The consequence of making a wrong decision is a complaint and possible action before a civilian complaint review board and trial board, with the disgrace that comes to the family that accompanies those actions.

This is what these men are up against.

Gentlemen, I would like to tell you I have a young man—maybe I am talking too long—

Mr. JACOBS. Go right ahead. I have another question.

Mr. MARGOLIUS. I have a young man in my office who is up for retirement. He has been on the force a short time, maybe a year and a half. He was struck by an automobile. He has not worked for 20 months. As a result, his left leg is more than an inch shorter than his right leg. He has a plate in his hip. The clinic wanted to retire him with full benefits, giving him 66 percent of his salary for the rest of his life, tax free.

I said to this young fellow, "Why didn't you take it?"

He said, "I want to be a policeman." He said, "I thought if I waited long enough, I would be all right and I could go back on the street."

Here is a boy 22 or 23 years old now, who has not worked in 20 months, and he has given up the ship. He now realizes he cannot be a policeman.

These are the fellows who are on the street enforcing the law. These are good men. I do not make a distinction between white and colored; 99 percent of them are excellent men, regardless of their color. I do not think it would make any difference whether they were white or black or yellow. These men work hard. They are underpaid. They ought to be given a medal for what they are doing. That is all.

Mr. JACOBS. I recognize the problems you have described perhaps as well as any member of this committee. I am a former police officer myself. My question is: How do those problems change when you transfer the administrative authority to a legislative body, namely, the Congress? How does that improve the problems?

Mr. MARGOLIUS. Not having gone into this in the detail I perhaps should, I can see one thing. You keep saying, Congressman, turn these over to Congress. I do not look on this as turning it over to Congress. I look on it as turning it over to a Commissioner.

Mr. JACOBS. The bill says it turns it over to Congress.

Mr. MARGOLIUS. The President *pro tem* and the Speaker of the

House appoint this Commissioner. I assume, unlike the Rayburn Building, this Congress will be sufficiently cognizant of the problem to pick out the best man in the United States they can find to be the Commissioner.

Mr. JACOBS. Are you saying a kind word about Mr. Stewart, by implication?

Mr. MARGOLIUS. No. The design of a building is a matter of opinion.

Mr. JACOBS. He is one individual.

Mr. MARGOLIUS. This involves law enforcement. Once that Commissioner is picked out and appointed——

Mr. JACOBS. He can be removed at will.

Mr. MARGOLIUS. No. His is a 4-year appointment.

Mr. JACOBS. As I read this bill, he could be removed at any time.

Mr. MARGOLIUS. That I would object to.

Mr. BROYHILL. Will the gentleman yield? I think the gentleman from Indiana has brought up a very good point. As I stated earlier, the bill was drafted to accomplish the main thrust of consolidating the departments and bringing them under the jurisdiction of Congress. There are several co-sponsors, and I am sure they all feel some reservations on some details. They are not endorsing every bit of the language in the bill. It is all subject to change and improvement, which is the purpose of the hearings.

The gentleman brought up the point about the White House Police. Actually, as I stated before the gentleman arrived, there is recruitment from the Metropolitan Police Department. They are dependent upon the Metropolitan Police Department for training and recruitment.

There is no intention in the bill that we take over the White House Police, but merely to coordinate their training and recruitment. We have some coordinated supervision in the event of an emergency, to provide additional police for the White House in the event of emergency as well as to assign additional off-duty White House Policemen for emergency service.

If there is objection to that, I, as one of the sponsors of the bill, am certainly willing to consider any alternative proposal.

There is precedent for bringing these things under the control of Congress. I mentioned the Scotland Yard situation before the gentleman arrived. The Chairman of the House District Committee and the Senate District Committee now appoint the D.C. Armory Board, and there might be a question as to whether that is within the constitutional prerogative of Congress.

I mentioned the Capitol Police, who are under our complete jurisdiction, and they certainly have a feeling of much more support behind them than the Metropolitan Police have. Yet, we do not have the harassment that you hear so much about, or the low morale, and we haven't had any charges of police brutality against these members.

Mr. JACOBS. I might point out to my colleague, whose sincerity I do not question in the least, that the Capitol Police do not deal with the same problems that the Metropolitan Police do. It is a little like the difference between the highway police and city police.

Mr. BROYHILL. That is one of the main reasons for the bill. There is presently a great deal of overlapping and duplication of jurisdiction. We have members of the Metropolitan Police Department in the House Gallery right now, in plain clothes, because it is felt we do not

have enough trained personnel in the Capitol Police Force. We always have members of the Metropolitan Police Department up here alternating or working with the Capitol Police because we need more help. We need the Metropolitan Police up here.

If we had problems downtown, we would use additional Capitol Police, wouldn't we? This bill would provide better coordination and administration of the problem. We can take all the police forces and put them under the District of Columbia Commissioner, if the gentleman desires. I would oppose that, however, and I think the Metropolitan Police Association would also.

The main purpose is coordination. That is the No. 1 goal.

The No. 2 issue is who is to be in charge of and responsible for it? I think, as the Chairman said earlier, the Congress created a Federal area because we wanted the Congress and the Federal Government to be protected. I think that is the primary concern.

I say they all have to be fitted together, not separately.

Mr. JACOBS. I think that is a very important point, and I think it is something this committee should be enlightened about. My own judgment is that among police departments, cooperation is probably higher than any other kind of organization in this Nation. By that I mean when a policeman from one end of the country passes through a jurisdiction where you are a policeman, the courtesy and camaraderie that exist are probably greater than in the case of any other kind of organization in the country.

Let me illustrate what I mean. We are in a metropolitan area here. Just a few short steps across the river we are in Arlington, and there must be cooperation between the Arlington Police Department and the police authority on this side of the river. I am sure the gentleman would not suggest they be controlled by the same metropolitan organization. Maybe he would. I do not know. In any case, I think there would be a great deal of problem.

I want to conclude, Mr. Chairman, with this comment, if I may.

I think one of the great dangers to city government any place in this country—Washington, after all, is a city—is the fragmentation of authority of the city government, what I used to call the dangling participle agency. The gentleman from Virginia himself, I think, has observed the misfortune of the National Capital Planning Commission being autonomous and outside of coordination with the city government. Ours is a city police department, and if there is something wrong with the Office of District Commissioner—of course, I think there is, for I think there should be home rule—if there is something wrong with the Commissioner's Office, perhaps that should be studied.

But this separating away, taking a police department away from the left arm, whatever it might be, does not make for efficiency of government.

I might say one of the grave ills of our cities today is that there is not the authority in the Mayor and city governments to coordinate and to act.

The CHAIRMAN. I may say to the gentleman, we have to hold our question for each member down to 5 minutes.

Mr. JACOBS. Speaking as one who has been left out because people did not hold it down to 5 minutes in past hearings, I yield back the balance of my time.

The CHAIRMAN. We have a roll call on the floor of the House. Does anyone wish to ask questions at this time?

Mr. WHITENER. Will the gentleman yield for just one observation.

I do not understand this removing at will section. As I read the bill, it says the Speaker and the President pro tem may remove the Police Commissioner "for inefficiency, neglect of duty, or malfeasance in office." If those are not proper grounds for removal—and they are the only ones mentioned in the bill—I do not know what would be proper grounds.

Mr. MARGOLIUS. I might say I just saw this. I did not know what the provision was. It does list those causes.

I think the chief of any department is subject to removal for those reasons.

Mr. JACOBS. Obviously, there is no trial procedure, no appellate procedure. It would be in the judgment of the man who occupied the Speaker's chair as to whether he was inefficient.

Mr. WHITENER. It would be the judgment of both the President pro tem of the Senate and of the Speaker of the House.

Mr. GUDE. In your response to a question posed by Mr. Jacobs, you mentioned hearings presently under way concerning some shootings by the police, and I gathered that this was a reason for your support for this legislation. You referred to the fact that evidently, according to everything that you knew, certain witnesses were coming up and making false statements.

Mr. MARGOLIUS. I did not say false.

Mr. GUDE. I mean there was contradictory testimony.

I was wondering how would this change or help that situation? Very often you have trials and court proceedings where people come in and make statements which are challenged and questioned. How would this legislation help that situation where citizens come before a review board or a trial board or a court and make false statements?

I think it is very deplorable when people make false statements, particularly against a policeman who does his duty, but I was wondering how this legislation would help in that aspect.

Mr. MARGOLIUS. I can only refer to some of the comments made by these policemen. They use the word "harassment." In the community today, speaking personally, not speaking for the Association because they have not gone into this, there is tendency by the people who need to have the law enforced against them more than anybody else to downgrade and destroy the law enforcer.

Mr. GUDE. That is very deplorable.

Mr. MARGOLIUS. There is in the community today an organization known as the Black United Front which has a group of militants in it, and also has within it certain respectable people who are giving the Black United Front some degree of respectability. The Black United Front has come out with a proposal that the police precincts should be controlled by the communities of those precincts, by boards who will select or pass upon the competency of the policemen and also discipline those police; and who will elect those boards? It will be the people who choose to vote in those particular areas, and those elected boards will then control who is going to be the police, even to the point of being able to select their own captain.

The CHAIRMAN. We will be compelled to adjourn at this time. We will meet again at 10 o'clock next Monday morning.

(Whereupon, at 11:30 o'clock a.m., the committee adjourned, to reconvene at 10 o'clock a.m., Monday, July 29, 1968.)

COMMISSIONER OF POLICE

MONDAY, JULY 29, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m., in Room 1310, Longworth House Office Building, the Honorable John L. McMillan, chairman of the committee, presiding.

Present: Representatives McMillan (presiding), Dowdy, Whitener, Sisk, Fuqua, Adams, Jacobs, Walker, Broyhill (Virginia), Winn, Gude, and Zwach.

Also present: James T. Clark, Clerk; Hayden S. Garber, Counsel; Sara Watson, Assistant Counsel; Donald Tubridy, Minority Clerk; Leonard O. Hilder, Investigator.

The CHAIRMAN. The committee will come to order. The Commissioner is not here this morning, I don't believe.

Mr. Fletcher, would you care to make a statement on this bill?

STATEMENT OF THOMAS W. FLETCHER, ASSISTANT, FOR THE COMMISSIONER OF THE DISTRICT OF COLUMBIA

Mr. FLETCHER. Yes, sir.

The CHAIRMAN. We will be happy to hear any statement you would care to make.

Mr. FLETCHER. Mr. Chairman, I would like to make the following statement on behalf of Commissioner Walter E. Washington.

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to present the views of the District of Columbia Government on the legislation before you, which deals with the crucial problem of crime in the Nation's Capital.

The purpose of this legislation (H.R. 14430 and H.R. 14448), as explained by one of its sponsors, Congressman Broyhill, is to consolidate the five separate police forces now operating in the District of Columbia; the Metropolitan Police, United States Park Police, Capitol Police, White House Police, and National Zoological Park Police.

These forces would all be placed under the jurisdiction of a Commission of Police. This Police Commissioner would be appointed for a four-year term by the Speaker of the House and the President pro tempore of the Senate. A nine-member advisory commission would also be appointed by the Speaker and President pro tempore.

The District of Columbia Government is strongly opposed to the removal of the Metropolitan Police Department from the municipal government.

Our opposition to this legislation stems from these reasons:

1. If enacted, the legislation would cause conflict and confusion between Police operations and closely related services in crime control, including the functions of education, corrections, welfare, and traffic control.

2. It would result in a major reversal in the trend toward citizen participation and involvement in District Government affairs provided under Reorganization Plan No. 3 of 1967.

3. The bills would create waste and inefficiency through requiring duplication of supporting services, such as personnel, purchasing, and computer equipment by setting up a costly overhead organization duplicating many existing support services in the D.C. Government.

4. Considerable coordination of the police operations (involving all five forces covered by the pending bills) with other related functions such as civil defense, fire protection corrections, the courts, and activities of the Attorney General is being developed through the recent establishment of a post of Director of Public Safety for the District.

In addition, one of the key elements in the efforts of our new District Government to roll back the city's appalling crime rate is improvement in police-community relations. An essential factor in strengthening this partnership against crime is a police force that is truly a part of the community it serves. To develop maximum mutual respect and cooperation in this area, the citizens must be able to think of the neighborhood policeman as their officer and the Department as their police force.

Gentlemen, a police department is an integral part of any municipal government. The operations and services of the police force are interwoven with those of the other city agencies.

This coordinated effort is essential to the well-being of our capital city—to the residents, the workers from the neighboring suburbs, the business community, and the visitors.

The pending bills, however, would divide responsibility, and thus weaken the city government's ability to provide comprehensive protection and services for the citizens.

Enactment of the legislation before this committee would, in our opinion, hamper—not help—the joint efforts by Congress, the President, and the new District Government to make this the best city in the world.

Therefore, for these reasons, I strongly recommend that this committee disapprove the pending bills.

May I again thank this committee for the opportunity to give our views on this vital question.

In addition, Mr. Chairman, I would like to make two other comments. One is that I firmly believe, as does the Commissioner, that your new Government in the District of Columbia has adequately demonstrated to the citizens and to you in the last few months its ability to operate its Police Department, to coordinate its efforts and the very trying times we have had in the District of Columbia in the months of May and June.

I think the fact that we were able to take care of it as well as we did adequately demonstrates we have the total capability to operate these departments and coordinate with the other agencies.

The second comment I would like to make is in relation to the force itself. I think certain factors should be brought to the committee's attention as far as the morale of the Department and the effectiveness of that Department is concerned. Chief Layton is here and can substantiate to you the fact that we have substantially reduced the resignation rate in the Department, and the rate of our policemen going to other agencies. We have substantially reduced the vacancy factor and within the next two or three weeks we will be at total strength. As of last week we were down to 82 vacancies compared to 385 back in November. We are recruiting at the rate of almost 75 net per month. We have over 200 in the pipeline, processed for appointment.

I think these factors indicate that we are able to recruit. We have a strong Department, and that Department has the full support and cooperation of the Commissioner and the Deputy Commissioner and we feel that we can adequately operate that Department.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Fletcher, on that subject, I notice that you have been able to get some encouragement as to new recruitments. Have you let the standards down, or do you require the same examination?

Mr. FLETCHER. The same standards, sir. We have not reduced the standards one bit.

The CHAIRMAN. The same physical and mental standards?

Mr. FLETCHER. Yes, sir.

PURPOSE OF BILL

The CHAIRMAN. I believe a number of people must have the wrong impression, or at least I have the wrong impression. I do not think there is anyone on this committee who wants to tear up the White House Police Department or the city Police Department.

I have not been in favor of the actions which have already been taken in moving valuable policemen from one agency to another and consolidating precincts at a time when police should be better acquainted with the people where he is patrolling.

Your statement sounds as though we were advocating tearing up the Police Department. I thought the bill we introduced here was to have a man at the top to coordinate all the Departments together in their present status, and in case of emergency or a real riot we would have somebody at the top who could be held responsible and handle all police orders and not let the criminals burn up the city before all the police could get together. That was the idea I had in mind, not to tear down any Department.

Mr. FLETCHER. Mr. Chairman, I do not believe my statement indicated or used the term "tear down." My statement indicated that we would be opposed on the basis that there would be inefficiency and waste involved.

The District of Columbia Government must coordinate many activities in terms of civil disturbances and fighting of crime.

There are other factors which must be coordinated simultaneously in the Department.

The CHAIRMAN. Would this new legislation prevent you from doing that?

Mr. FLETCHER. In my opinion, yes, because the Commissioner would not have control of the Police Department necessary to provide adequate and proper cooperation of all of the efforts of the District Government to fight these problems.

The CHAIRMAN. Does the Police Chief have this authority now, or does the Council?

Mr. FLETCHER. I beg your pardon?

The CHAIRMAN. Does the Council have the power now, or the Commissioner, or the Chief of Police?

Mr. FLETCHER. The Commissioner has the authority to control the Police Department, yes, sir.

The CHAIRMAN. What is all this I read about that certain people want to handle the Police Department, fire and hire and harass the police more than they are at the present time?

Mr. FLETCHER. Sir, that is not our proposal. That is a proposal from a group of citizens within the District, but it is not the proposal of the District Government.

The CHAIRMAN. Mr. Whitener.

EFFECT OF BILL

Mr. WHITENER. Mr. Fletcher, taking your statement for the Commissioner, I think the statement fails to do any more than generalize. Your first point on page 2 is that it would cause conflict and confusion. How would that happen if you bring all the law enforcement organizations under one umbrella? How do you contemplate that would bring confusion and conflict, for instance, in traffic control?

Mr. FLETCHER. It would be on the basis that we have other agencies of the District of Columbia that are directly related to traffic control. The Police Department and the Department of Highways and Traffic working together very closely under the Commissioner for coordinated efforts in terms of traffic control.

Mr. WHITENER. And you take the view that if this bill were enacted into law immediately the Highway Department would start looking at the police as if they were a foreign government.

Mr. FLETCHER. No, sir, but it would require additional coordination and additional activity.

Mr. WHITENER. What additional coordination?

Mr. FLETCHER. On the basis you would have two different agencies to work together whereas now you have one now, the Commissioner, who is responsible for the coordinated activity under the one control, which is the purpose of the Reorganization Act. The Commissioner makes the joint decisions relative to it.

Mr. WHITENER. You think that unless you had someone like the Commissioner that there could not be any coordination or cooperation?

Mr. FLETCHER. Obviously if it were put together we would have to work with it. What I am saying is that it would add to conflict and confusion by having to go through two separate agencies to provide that work.

Mr. WHITENER. I cannot follow you on that because you have two separate agencies now. You have the President of the United States, who is supposed to be the top dog in the running of all governmental

affairs, and it seems to me if there is any failure to operate, there is some Executive authority already in the Government which could bring somebody to task if they did not cooperate.

Mr. FLETCHER. That is very true, sir. I do not understand what you would gain by providing or what you would be solving.

Mr. WHITENER. Your statement is that it would create confusion and conflict, which I take it you are saving would cause insoluble conflict and confusion unless the Commissioner of the District could bring them together.

Mr. FLETCHER. I did not say insoluble, sir. I said it would add to or cause conflict or confusion. I think it would.

Mr. WHITENER. I still do not understand how you can make that statement unless you are implying that there is no greater authority in Government than the Commissioner of the District of Columbia.

Mr. FLETCHER. Sir, I am not implying that at all. I am implying when you have two separate agencies reporting to two separate authorities, handling the work in the same area where you have to have coordination, it is obviously in my opinion better to have it under one control rather than under separate control. I am not convinced that you would have better traffic control or better welfare and all these other things if you combined the metropolitan police with the park police, for example, and so on.

Mr. WHITENER. How do you contemplate it would cause conflict and confusion in the function of education?

Mr. FLETCHER. On the basis that we have a strong relationship with the school system, involving training, involving in-service training, working with children, and so on, where the agencies work together under the budget that is presented to Congress, which comes from the Commissioner, involving education as well as police. We look to the solution of these problems on a joint basis at the time we put the budget together. There are many joint relationships.

Mr. WHITENER. The budget also goes through the Congress.

Mr. FLETCHER. Yes, sir.

Mr. WHITENER. It does not seem to me that the Congress would tolerate conflict and confusion any more than a Commissioner would. I do not follow your statement that it would create such conflict and confusion in the education program.

Mr. FLETCHER. I think it would, sir.

Mr. WHITENER. You say it would cause conflict and confusion in corrections?

Mr. FLETCHER. There is a very close relationship between the function of correction and the function of law enforcement. The prime purpose of correction should be to reduce, for example, recidivism, to return people who have been incarcerated back to a useful life. It requires good and substantial coordination and cooperation between the function of correction and the function of law enforcement. We want to be able to quickly resolve any differences. We want to be able to control the decision-making process that relates to the Department of Corrections and the Police Department.

Mr. WHITENER. We have had extensive hearings here about crime, and recidivism. As I remember the testimony from Mr. Murphy,

your Commissioner of Public Safety, and others, they have not found any suitable way to get with the courts on the question of punishment and the separation of powers.

It might well be that a Commissioner who has a closer affiliation with the Congress may be able to get a little closer to some of these judges whose salaries are fixed by the Congress. I do not follow your argument there.

Mr. FLETCHER. I would think, sir, that Congress' actions on that would be the same whether you had the Police Department under the Commissioner or you had it under a separate Commissioner. The Congress' actions relative to courts would be the same.

Mr. WHITENER. I think if you stay around here a while you might change your mind about that. How would it cause confusion and conflict in the Welfare Program?

Mr. FLETCHER. Here again, sir, we feel that the fighting of crime is a product of many activities in many agencies. Some of the base causes of crime are in fact unemployment, deprivation, and so on. We feel a coordinated effort to give people a decent income and a decent home and so on is one of the best ways to fight crime. We feel this is again a coordinative effort that should be under one control rather than separate controls.

Mr. WHITENER. Your second objection, that it would result in a major reversal in the trend of citizens' participation and involvement in District Government and affairs: You mean it might cause a reversal of an organization which had among its membership the Vice Chairman of the Council, passing resolutions that it is justifiable homicide to shoot a police officer in cold blood; is that what it will reverse?

Mr. FLETCHER. No, sir. I think whether either action is taken, it would have an effect on that. I do believe, however, that the Commissioner of the District of Columbia is directly involved with citizen participation. It is one of the reasons, I think, for the reorganization, to provide a more direct channel of communication with the citizens of the District and the Government of the District of Columbia. We are constantly working on citizen participation. Many of those contacts deal with police problems, as well as housing, welfare and other problems. It would seem to us it would be better to have a citizen participation under one control rather than a split control.

Mr. WHITENER. You think it might reverse the trend of certain elements in certain sections of the city demanding that they make the decision as to which police officers will be assigned to their precincts. Is that the sort of thing you apprehend it might reverse?

Mr. FLETCHER. I think it would provide, which is what the Commissioner is striving for, better police-community relations. It is also something that Chief Layton is striving for. We need good community relations as well as community relations in all other facets of the District Government. We much work closely with the people of the District. The manner in which it is done is one we have to resolve with the district and the people of the District.

Mr. WHITENER. Mr. Chairman, I do not want to take too much time. Maybe later I can ask other questions.

The CHAIRMAN. On that subject, don't you think these people ought to be taught to work with the Congress a little and not just with the

citizens of the District of Columbia? As I have stated on numerous occasions, I do not think there is any reason to have this ten square miles here set out unless it is to protect the Government.

Mr. FLETCHER. I would agree, sir, that the District Government is directly related to Congress. Obviously I think we should be available for whatever you wish as far as the District Government is concerned. That is what we strive to do. I think you should look to just us for the services.

The CHAIRMAN. I, as Chairman of this committee, have written several letters down there three months ago and have not received an answer.

Mr. FLETCHER. I am not familiar with what it is, sir, but I will be glad to check that out. If we are not providing to the Congress the services you need, we will correct it and provide the service you asked for.

The CHAIRMAN. Mr. Zwach.

CIVIL DISTURBANCES AND THE POLICE

Mr. ZWACH. Mr. Chairman, I am inclined to not agree with this bill because I came to this committee hoping to do more toward self-determination in the city itself. But something you say rather intrigues me, Mr. Fletcher. You say that you have demonstrated your ability to do a good job with the police. Do you think you can document this?

Mr. FLETCHER. Yes, sir, I think so. I think the actions as far as the District Government is concerned with the Poor People's Campaign in the month of May and June I think we handled a difficult, dangerous and tense situation very well. I think the fact that was handled by the District of Columbia Government primarily in coordination with other Federal agencies in my opinion demonstrates it can be done effectively.

Mr. ZWACH. This is post-April you are speaking now?

Mr. FLETCHER. Yes.

Mr. ZWACH. You think post-April you have been improving?

Mr. FLETCHER. We learned lessons in the April disturbance. We never had such a thing happen in the District of Columbia before. It is important, I think, that we learn from our experience the first time and not the second time. I think we learned those lessons adequately, and I think we put into effect controls and procedures and systems necessary to take care of dangerous situations. I think we adequately displayed that to the people of the District and to Congress.

Mr. ZWACH. There are two other things that cannot help but disturb me. First of all, a member of the Council making statements as he does; then your School Board hiring a superintendent and wanting to fire him six months later; these things are most disturbing. I would like to ask you this: You say you are stabilizing the police force. This would be most encouraging. Could you elaborate on this?

Mr. FLETCHER. I am not sure I used the term "stabilizing."

Mr. ZWACH. Your resignations are fewer.

Mr. FLETCHER. Yes, sir.

Mr. ZWACH. Are you in a position to document this for us this morning?

Mr. FLETCHER. Chief Layton, I believe, has the figures or can recall them quite well.

(Subsequently, the following information was submitted for the record:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
METROPOLITAN POLICE DEPARTMENT,
July 10, 1968.

Mr. JAMES T. CLARK,
Clerk House District Committee,
Washington, D.C.

DEAR MR. CLARK: Pursuant to your request by telephone, made to Lieutenant William F. Sturgeon, Jr., Personnel Division, on July 9, 1968, the attached information relative to the number of separations and the number of appointments insofar as the Metropolitan Police Force is concerned for the Fiscal Year 1968, is forwarded.

You also requested information regarding our Police Cadet Program. The Police Cadet Program was initiated in March of 1965. This Program is for young men from seventeen and a half to twenty-one years of age. Upon reaching twenty-one years of age, they are sworn in as Police Officers. In March of 1965, the Department was authorized twenty-five Police Cadets. In November of 1966, the Department was authorized thirty-five; and in November of 1967, an additional twenty-five. This brings our present authorized strength to one hundred and six. At the present time, we have one hundred Police Cadets in operation; six on Military Leave; and nineteen have been appointed as Metropolitan Police Officers.

Trusting this information will be helpful to you, I am,

Sincerely yours,

JOHN B. LAYTON,
Chief of Police.

GOVERNMENT OF THE DISTRICT OF COLUMBIA—METROPOLITAN POLICE DEPARTMENT
(FISCAL YEAR 1968)

Month	Resignations	Retirements	Transfer to White House	Dismissals	Deceased	Appointments	Actual strength
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
1967							
July.....	12	19	4	-----	1	25	12,739
August.....	9	12	1	-----	1	10	2,725
September.....	9	6	-----	-----	-----	15	2,725
October.....	7	12	-----	-----	-----	13	2,719
November.....	5	11	-----	-----	2	24	2,725
December.....	6	10	-----	-----	-----	26	2,735
1968							
January.....	9	10	2	-----	-----	81	2,795
February.....	4	11	7	-----	2	59	2,830
March.....	7	8	-----	-----	1	65	2,379
April.....	11	17	2	1	1	73	2,920
May.....	16	17	2	1	-----	50	2,934
June.....	18	12	3	1	-----	66	2,968
Subtotal.....	111	145	21	4	8	507	-----
Less total separations, cols. (A) through (F).....							289
Total net gain for the year.....							218

¹ Actual strength, July 1967.

² Actual strength, June 1968.

Note: The total authorized strength during the above period (fiscal year 1968) was 3,100.

Mr. FLETCHER. As I remember the figures that were used on Saturday morning, I believe there has been a substantial reduction in the number of resignations compared to a year ago in the Department. There has been almost a 50 percent reduction in the number of policemen going to other sister agencies, again comparing one year to the latest year.

The fact that we are rapidly eliminating the vacancies which for years in the District have been well over two and three hundred—we are down to 82 vacancies as of last week. We have, I believe, almost 40 ready for appointment and over 200 in the pipeline being processed for appointment. This indicates that we are up to full strength.

Our predecessors were not able to do that. I think these are all indications of a strong Department, and a good Department, and a Department with good morale.

Mr. ZWACH. Are your police applicants being processed in proportion to the White and black population? Are you bringing on more black policemen so that you are strengthening this area?

Mr. FLETCHER. Yes, sir. I believe the latest recruitment figures indicate that the appointments made in the last several months have been approximately fifty-fifty, white and Negro, compared to a present average of 20 percent Negro and 80 percent white.

The CHAIRMAN. I would like to ask why does it make any difference what color the applicant is, if he is a good man and can pass all the examinations?

Mr. FLETCHER. Sir, I was not asked that question. If I were asked that question, I would say I would recruit good policemen.

Mr. ZWACH. Mr. Chairman, I asked that question because I think it is important in the District that there be some proportion with regard to the population. I would like to have a little more elaboration on it.

The CHAIRMAN. Remember, this is an agency that does not just represent the District of Columbia, it represents the whole United States. If we would want to go by rules and regulations and use quotas, we would have ten percent colored police and employees here in this Federal city.

Mr. ZWACH. These are policemen for the District. We know the reality of the city itself. So my question dealt in this area.

The CHAIRMAN. The taxpayers of the whole United States are helping to pay for this police force.

Mr. ZWACH. That is right. I am fully aware of that.

Mr. FLETCHER. The Chief advised me he does not have the latest figure for the last several months but over the last period of time in recruitment we were recruiting a third Negro to two-thirds white. I do believe in the last several months it has been running close to fifty-fifty.

I believe our job is to recruit good policemen.

Mr. ZWACH. I think at all times we have to face the reality of the District. I would like to say that I live in the heart of D.C., and I have been observing the police. I think they have been good. Wherever they went, they went fast, efficiently. I have been impressed in the main with the operations of the Police Department.

I was very, very depressed in April but since then, I have noticed an improvement. Do you think this bill will destroy your direct line of authority to have someone over the head of them?

Mr. FLETCHER. Yes.

Mr. ZWACH. Who would be responsible with regard to a riot breaking out, would it be this new Commissioner or would it be the Safety Director, or would it be Chief Layton?

This concerns me when we need a quick and rapid determination.

Mr. FLETCHER. In terms of the riot it seems to me there should be one point of command and control. One of the lessons we learned in the April disturbance was the need for centralized authority and decision-making involving all of the forces available to us. That was done since the April riot. We have set up the mechanism necessary to provide that centralized control. One of the essential ingredients obviously is the Police Department. I believe Chief Layton can indicate to you that we provided good centralized control and decision-making involving all of the forces of the District of Columbia during times of stress.

Mr. ZWACH. Do you say that in April you were caught unprepared and were surprised?

Mr. FLETCHER. Yes, sir, we were. It had been our intention to provide a system of centralized administration authority. The plan was being developed. None of us anticipated that there would be a problem in the first part of April. We were anticipating the problem would develop in the later part of the year or the summer. It caught us unprepared in many respects. I think we did, in my opinion, a fairly good job during that period with the limitations that we had around us. Again I point out that we learned lessons at that time and I think we have corrected the problems and now can provide the kind of centralized administration this District and the people of this District need.

Mr. ZWACH. That is all.

Mr. DOWDY. If the gentleman would yield, I would like to know what limitations, and who put them on the police?

Mr. FLETCHER. Not legal limitations, Mr. Congressman, administrative limitations, lack of experience, in having a similar circumstance within the District. We did not have good communication setups, we did not have good lines of communication open. That has been corrected. So the limitation is administrative and not a legal limitation at all. We just simply were not yet ready for that situation to do the best job. I think we did a reasonably good job under the circumstances. We can do a far better job now, and I think we have demonstrated the fact we can.

Mr. DOWDY. Thank you.

Mr. ZWACH. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Sisk.

Mr. SISK. Thank you, Mr. Chairman.

OBJECTIVES OF POLICE IN THIS FEDERAL CITY

I appreciate very much the Deputy Mayor being with us this morning, and I appreciate your comments. I would like to talk to you for just a few minutes about this whole business of priorities. Let me say I am not taking a position for or against this particular piece of legislation, but generally want to discuss the business of police protection and what the basic objectives are of police power as it is exercised in the District. I think there is increasing concern on the part of Members of Congress as well as people all across the country about the degree of protection for our Nation's Capital as well as the people in the Nation's Capital.

I certainly recognize that there is importance in community-police relationships in any city. I think this is probably more important here than anywhere in view of recent experience. However, getting back to what I wanted to talk to you about, the matter of priority. That goes to the point that has been raised either directly or indirectly here this morning. Since this is the seat of central Government in America, and referring to some of the early experiences of our Government where the Congress and the Government were almost literally driven out of certain major cities which we had attempted to use as the seat of Government, that is why this so-called 12 square miles of the District of Columbia was created for the purpose solely of being the central seat of Government.

It seems to me that some of the things that are being done and some of the concerns are losing sight of the priorities or the central or basic objective of the protection of the Nation's Capital per se. I am not necessarily advocating just the protection of Members of Congress per se. I might say I am somewhat disturbed by some almost advocacy by some of our local press. I note one of the morning newspapers editorially almost advocating the assassination of a member of Congress or two in some of their editorials. I am sure they would not agree they were actually advocating that. They simply indicated by reference that maybe it would have some influence or effect. I do not know exactly what they had in mind. But bringing this out and adding it to what I have already said, I think you can understand some of the concern of the members of the Congress, as well as of the American people generally across the country as to whether or not we are getting to the point where we are going to have to move the Government somewhere else in order to be able to function satisfactorily and safely, and at the same time be a safe area in which the constituents from my state and your state of California, because you are from California, can come here and visit. Where in this priority do you place the responsibility for the Metropolitan Police force, because that is basically your concern. We have the other police forces here that we are talking about uniting, and I do not know whether that is good or bad and I do not take any position on it.

Would you comment briefly what you consider to be the priorities in one-two-three order of the Metropolitan Police force in Washington, D.C.?

Mr. FLETCHER. Yes, sir.

I think the highest possible priority that can be given is crime prevention, which is really what we are striving to do. Protection is a part of that. To prevent crime from being committed in the first place should be the very highest priority, which again points out the need for coordinated action as far as crime prevention is concerned.

One of the deep concerns to not only the District but every major urban area of this country is youth. Unfortunately a very high percentage of crime is being committed by the young, a disproportionate share. I think we have to bring every authority we have and every law and effort we can think of to prevent juvenile delinquency and solve the problem of crime not only in the District of Columbia but all the major urban cities. It has the highest priority we can think of. There was a statement made by the Commissioner in November when he took

over indicating that was the highest priority he had and it is still the highest priority, to eliminate the crime in this District and reduce the crime rate in the District. I believe some of the figures that are coming out indicate we are beginning to move in that direction even though the crime rate is higher this year than last year.

I think the Chief can indicate there is beginning to be some reduction month to month in that escalation of crime. It will be requiring massive effort on our part.

We have asked Congress for additional policemen which we hope we can bet to work directly toward crime prevention and increased protection for the citizens as well as the visitors of the District.

Mr. SISK. I appreciate your comments. After all, law enforcement at any level and at any place in the world is primarily for the prevention of crime. I well recognize that. As I said, though, I still think we are not quite talking about the same subject matter. I would hope we do not get in a position where we have to have a law enforcement or a police force or military force, if necessary, just to protect the Government in its proper function to the American people.

I still do not think you commented directly on the responsibility of the Metropolitan Police force as far as the seat of Government is concerned, and its relationship to it. They are separate and apart from protecting the citizens from crime. We all recognize, just as in my hometown, the police force is there to fight and reduce crime and protect the people. But its function is somewhat different, it seems to me, than the function of a law-enforcement agency within this Federal city, the District of Columbia. Maybe it is not. Maybe I am wrong about that.

Mr. FLETCHER. No, I believe you are right. Let me speak to that specifically. One of the reasons we now have in the District of Columbia one of the highest rates of policemen per population and with the additional thousand police we are asking for we will have the highest rate, is specifically in relation to the fact that this is the home of the Federal Government, recognizing the additional requirement to provide safety to the Federal Government, which requires a substantial increase in the protection that we would normally have to give in a normal city. We recognize that in the number of police we now have and the number of requests for additional policemen, specifically because of the fact this is the seat of the Federal Government.

PRIORITIES—FEDERAL RESPONSIBILITY

Mr. SISK. I for one certainly support a stronger police force and strongly support the things that the police force needs, such as higher salaries. I think the figures indicate that you are being much more successful now in recruiting new policemen than you have been in the past.

I do not know to what extent the recent increase in starting pay was effective and I am not saying that the policemen only do their job just for money. I doubt seriously that unless they were dedicated to the idea of law enforcement they would take it even at the figure we now have for the starting policemen, although that has been helpful along with other things.

I am not altogether sure that we are in total agreement yet as to priorities. Let me discuss one other thing and then I will yield back because I do not want to take too much time. I happen to be one of those who advocated and did support the reorganization of the D.C. Government. I hoped that we could bring about more participation by local people in their Government, and to move in that direction. However, I still believe very frankly that the Congress has a responsibility and that responsibility must continue in perpetuity; its is something that we cannot relinquish.

So I think we should shoulder our responsibility and do that which is necessary to make this the ideal capital that we would all like to have.

Let me ask you about the morale, because you mentioned in your statement about the improving morale in the Police Department. I do not believe it was in your written statement but in your extemporaneous remarks.

I am not questioning or challenging your statement, other than to say that there are still continuing statements made, and I know from my personal conversations from time to time with people, officers and others in the Police Department, and I am not altogether sure how much confidence our police officers have in the backing they will have as they enforce the law. This does cause me real concern. You were here the other day and heard the statement of the gentleman who preceded you, Mr. Margolius. I think there is real concern on the part of the policeman today when he goes out and does his job to the best of his ability as a dedicated policeman in the enforcement of law who catches a criminal, and then he is immediately charged with police brutality or is immediately brought before a court of some kind and prosecuted, or he is in the newspapers for what he has done. Do you feel this situation is really improving or not at the present time, that is, over what it was three or six months ago. I am not sure that it is. I would appreciate your comments on that.

Mr. FLETCHER. There are two elements to that. One, there can be no question that policemen in this city and in the cities throughout the country obviously must have continuing concern and deeper concern about what is going on in this country as far as the attitudes of the people are concerned on the Police Department. I think the police service today is one of the most difficult services the Government provides in terms of what is happening.

As far as the District Government is concerned, we have evidenced continuously and will always evidence complete support of our Department in the enforcement of law and order. We will support our men, and where there is need for disciplinary action, which will happen in any Department from time to time, it should be done expeditiously and fairly to all concerned. I think that is what we are displaying. We are all concerned about what is happening in the attitude to the police. It is a difficult service. It is one that we all ought to be cognizant of and correct. There should be no doubt in my mind or anybody's mind of the District Government's attitude on the support of our men. We have one of the finest police departments in the country and we will support them and do whatever we can to improve—

Mr. SISK. I agree with you one hundred percent, and have great re-

spect for Chief Layton. I am a resident of the District, and I live on the Hill and I see every day the job the police are doing. I have great respect for them. I am a little concerned sometimes when time after time I find a police officer out doing a job in a miserable situation where he is risking his life, and in attempting to apprehend a potential criminal, or one who is caught in the act and has to shoot the man, he immediately winds up being prosecuted for it. I am real concerned about that. I question how much the City Council is actually giving in the way of backing the police department in doing its job, even if it gets nasty at times.

I think this is terribly important. If they do not have that feeling in my opinion they will not do a good job. It is that simple.

Mr. FLETCHER. I agree with you. I think they have support. At the same time, we have to be concerned with the citizens of the District and we have to be concerned with that and provide the services to them.

Mr. SISK. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Broyhill.

POLICE PERFORMANCE

Mr. BROYHILL. To pick up along the lines of the colloquy between you and Mr. Sisk, a lot has been said about the good work and the efficiency of the D.C. Police Department. I do not think we can say too much about that. All of us agree we have a very fine, outstanding, and efficient Police Department. So nothing that I say in support of this legislation, or of any other proposal, is intended to indicate any lack of confidence in, or reflection whatsoever on, our present Police Chief or personnel of the Metropolitan Police Department. However, is the praise of the Police Department for doing a good job following the assassination of Martin Luther King and during the tensions following the death of Senator Kennedy, intended as applause for something that this new City Government has done in improving the Police Department since they took over, or did it result really from the fact that the District of Columbia had an excellent Police Department before that time? In other words, is the new City Government trying to take credit for the fact that we do have a fine Police Department, do they acknowledge that they inherited a fine Police Department?

Mr. FLETCHER. I think the answer to that is that we inherited a fine Police Department. I think we have taken some steps in terms of implementation of the Crime Commission Report to make it even a better Department than it was; for one thing, to eliminate the vacancies that we inherited in that Department. I think we have made major steps to eliminate those vacancies. For the next two or three weeks for the first time in years we will have no vacancies.

The real answer is that we have provided the coordination of all the Departments to meet crisis situations. We take advantage of the Police Department and bring to bear all of the other forces we have available to us to meet the crisis situations. That is what has been provided by centralized administration that you now have under the new form of the Government of the District. There is the answer. We made the job better by bringing support to the Police Department and the

citizens, all the various forces and factors needed to handle dangerous situations, and critical situations and continuing problems of the District.

Mr. BROYHILL. How do you account for the fact that the morale on the force is a great deal lower, and that there are a great many more complaints coming from the families and friends, as well as the members of the police force themselves as well as from their families and friends?

Mr. FLETCHER. There may be two statements on that. I know Sergeant Beatty in my office in May made a statement to the press that morale had never been higher than the Department was concerned. The same was published. Whether there has been a serious change in the situation from that time I do not know. One of the factors obviously that would relate to morale and the complaints of families is the fact that we have had by necessity to work the men very long hours, substantial amounts of overtime and the millions of dollars we have had to spend. Many of these men work 12 hours, and work on their days off, and work six days a week. This would obviously tend to reduce morale and the effectiveness of the Department.

Facing the situation locally we had to do this to protect the people and provide the type of service that is required. This is one of the reasons we have asked for more men. I know this has a direct effect as far as the Department is concerned. I also know the continued attacks by elements of the population will also tend to hurt the morale and disturb the men.

It disturbs us just as much, and are just as disturbed. Our morale may not be better either because of this.

SCOPE OF BILL

Mr. BROYHILL. I read your statement. I cannot say I agree with all of your reasons for your disagreeing with the bill. In your point 3, you state that the bill would create waste and inefficiency through duplication of supporting services. One of the purposes of the bill is to create more efficiency and less cost and waste. I do not know what new skill the Government of the District has shown, to indicate that it can do anything more effectively and efficiently, because the cost of operating the District Government has gone up substantially since the new Government took over. Be that as it may, however, I think this is a point that the committee should investigate and research out before we take final action, so as to make certain that we will not do something that will cause waste and inefficiency. As a co-sponsor of the bill, I would not want to support any measure that would cause that type of problem. But recognizing the principal objection, that the District Government would be losing control of this particular part of their organization and thus a certain amount of power, don't we have a constant daily conflict as to what should be the responsibility of the District Government and what should be under the jurisdiction of the Federal Government?

We mentioned the Resurrection City situation a moment ago. I believe I said something about that last week. That was a demonstration against the Federal Government, not the District Government.

There have been certain demonstrations in front of the White House, again not against the people of the District of Columbia but against the head of our Government and its policies.

Let us take the recent incident of the bombing of the Soviet Embassy. Here is a very tense situation involving a foreign power with which we are constantly walking on egg shells. Is this something that our Government should rely upon a local controlled and managed police department to take care of, or do we in the Congress have a lot at stake ourselves and should we be concerned with what type of police protection is given there was well as police diplomacy? This applies also to such things as the inaugural parade, which is a national event and not a city festival. It seems to me we are constantly faced with responsibilities for police activity here that are separate and apart from what should be your responsibilities as the local governing body. That is one of the principal reasons for my sponsorship of this legislation, to try to bring that Federal responsibility into proper focus. I have not ignored the fact that it would take away from the local government and the people living here some authority insofar as their own protection is concerned.

I think the fact that we have all these other interests involved calls for some overall coordinated approach to the problem.

MR. FLETCHER. I believe, sir, we are providing that type of coordinated activity now. I believe what was done in the last few months indicates that coordination is there, it works effectively and efficiently.

MR. BROYHILL. You believe that the type of protection I am talking about is primarily a local responsibility of the District Government?

MR. FLETCHER. Back-up for police services, park police, capital police and that is what we do, the backup protection. We provide the coordinated activities required of our Department. I think we have done it in every single case that has come up in the last several months. We provided the type of coordination you talk about. It is an essential service that the District Government should provide.

MR. BROYHILL. I am not talking about the service you provide. I am talking about whose responsibility it should be, and whether the Federal Government and the Congress do not have even a greater interest in those areas than does the City Government.

MR. FLETCHER. I think we have equal interests, sir. I think our interest is just as strong as yours is in the protection of the Federal Government, and we provide that type of protection. We are required to, in my opinion.

MR. BROYHILL. But insofar as our international problems are concerned. Do you think you have the same interests and responsibility there that the Federal Government would have?

MR. FLETCHER. To provide for the protection of the people that are here either in residence or people doing business within the District, and visitors, yes, sir.

MR. BROYHILL. That is all I have, Mr. Chairman.

THE CHAIRMAN. MR. FUQUA.

MR. FUQUA. Mr. Fletcher, I certainly appreciate your answering the questions. Referring to your colloquy with Mr. Broyhill and talking about the waste and inefficiency this bill might create, don't we have this existing now with the separate branches or jurisdictions of the police within the District?

Mr. FLETCHER. I don't believe so, sir. The waste and inefficiency I am talking about here—of course, the Metropolitan Police is by far the largest, 3,100 authorized strength plus all the civilian employees, and so on—the type of waste and inefficiency I am talking about is we have systems of centralized purchasing, personnel, budget, various other services which the department should expect from a centralized government, rather than creating their own. You would have to create a separate system of services if you create an independent agency which would have to have its own personnel services, procurement services, budget system, and so on. We can provide that now through the central services now provided by the District Government.

Mr. FUQUA. Couldn't that be coordinated through the office of Police Commissioner that would be established under this legislation.

Mr. FLETCHER. They would have to provide some services; yes, sir. It is our opinion that we can provide it better under the existing systems and the improved systems which we are developing.

Mr. FUQUA. It may be he would want to adopt the system that the Metropolitan Police Department is using and have it available for all the others.

Mr. FLETCHER. The only way I know that that could be would be on a contract service. That is something that could be done, sir.

SUPPORT OF THE POLICE

Mr. FUQUA. I am concerned, as has been expressed here, about the support of the Police Department in the District of Columbia. I think certainly this is a matter that is of very great concern to all of us and to the man who is out on the firing line, so to speak, doing his job. It is important for him to feel that he does have the support of the residents of the District of Columbia and, for that matter, of the District Government. I have been appalled lately at some of the statements made by certain people in high places in our City Government regarding their feelings about the Police Department.

I would hope that we could have here the support for the Police Department and the man on the beat so that he would be aware that he did have this support. I think it has been generally supported in Congress through anti-crime legislation and pay raises, which I think are very, very good and adequate, and they must have our continued support and interest in the Police Department. I certainly hope that the police do feel that Congress has been supporting them and I hope that we can in the coming months rely on this. I want to say that I think the action that was taken recently, the affirmative action in closing Resurrection City, proved what could be done when you meet these situations with dispatch and firmness. I want to commend those in authority.

Is there any coordination now between all the services that are mentioned, the White House Police, Secret Service, Park Police, and Metropolitan Police? Who is the overall chief?

Mr. FLETCHER. There is no overall chief as far as the various law enforcement agencies are concerned. However, there is effective coordination any time it is required.

Mr. FUQUA. Only through coordination?

Mr. FLETCHER. The working relationships of the various Chiefs is very good, very close. I think there are representatives here on the various agencies who can attest to that fact. I think the coordination required during the Poor People's Campaign points to the fact that, in fact, we can coordinate effectively and very well, and that it is provided when needed.

Mr. FUQUA. Should there be disagreements among the various chiefs as to the methods or procedures to be used, how is this resolved?

Mr. FLETCHER. It is based on the jurisdiction in which the problem occurs. If it is on Capitol Hill it would be resolved by the Chief of the Capitol Police; if it is on park property, it would be resolved by the Chief of the Park Service. It is based on back-up, and the decision is based on the geograph and jurisdiction of the problem.

Mr. FUQUA. That is all.

The CHAIRMAN. Mr. Winn?

Mr. WINN. I have no questions.

The CHAIRMAN. Mr. Gude?

Mr. GUDE. Thank you, Mr. Chairman.

FUNCTIONS OF POLICE

Mr. Fletcher, has there ever been a study made of the amount of duty time which the Metropolitan Police put into servicing such functions as Embassy receptions, visiting dignitaries from foreign countries, inaugural parades, other festivities?

Mr. FLETCHER. I don't believe there has. Has there, Chief?

Chief LAYTON. I don't have the figures with me, Mr. Fletcher, but we do keep a record of assignments to those various functions. (See p. 43.)

The CHAIRMAN. Would the gentleman yield?

Mr. GUDE. Yes.

The CHAIRMAN. I might add I would like to know how much time they spend when the President is contemplating making a trip? I understand sometimes these policemen stand on duty two or three hours, hundreds of them, waiting for the President to leave town. You might add that statistic in also.

Mr. GUDE. Yes, this is the kind of thing I was thinking of, exactly. I wouldn't suggest that the committee get a report, because I think it would mean a lot of paper work for half a dozen men to probably find out what time is spent in a year, but I think anyone can realize that the size of our police force is proportionately much larger because of this amount of duty. I am, of course, a native of this area. I have never heard any serious criticism of the manner in which the Metropolitan Police have backed up the respective forces as far as inaugural parades or events or functions involving visiting dignitaries or of the manner in which they handled such incidents as the bombing of an embassy or a threatened bombing, or this type of thing. Of course, it is always a question about procedure, and somebody can always second-guess, but I have never heard criticism of the manner in which the Metropolitan Police have backed up or performed their functions as Federal police serving the Federal establishment.

I think the Police Department has a great record in this area. It seems to me that it is going to continue. You all are a little bit in the position, after the disorders in April, of being criticized for the fact

that there was a tremendous problem; and this can be brought down on your head because you all did not function properly; and then after the disorders following Senator Kennedy's death the thing was handled very well and, well, you all are not responsible, it was because of the Police Force that was established a number of years ago. So, you know, you can play this thing on both sides of the street.

Thank you. I certainly appreciate your coming here and appearing before us.

The CHAIRMAN. Mr. Adams?

SCOPE OF BILL

Mr. ADAMS. I have some questions involving how this might work. Mr. Fletcher, I know you have been in other governments in urban areas. This bill indicates that an independent office within the District of Columbia would be established. In your opinion, would that mean, then, for example, that the appropriation would come under the Legislative budget, or would it come under the District of Columbia budget as an independent office within that government?

Mr. FLETCHER. My understanding, sir, is that it would be a separate budget. I don't think the legislation speaks as to the way in which that would be handled.

Mr. ADAMS. In other words, we would have another Appropriation Bill to present and be brought up and passed on by both sides, and so on, that would deal with salaries, retirement, everything else, just as with the Post Office Department?

Mr. FLETCHER. I assume so. The testimony was made on Friday before this committee by one of the Congressmen, indicating there would be a saving by eliminating this from the budget of the District of Columbia, which assumes then it would be an independent budget.

Mr. ADAMS. I see. Now, who would prepare this budget and present it and go through the hearings, and so on? The Police Commissioner?

Mr. FLETCHER. I assume so, sir. Again, the bill is silent as to that fact, but I assume it would be the new Commissioner.

Mr. ADAMS. He would need a Budget Director and staff?

Mr. FLETCHER. I don't know.

Mr. ADAMS. All right. I have indicated that you have been with other urban jurisdictions, and I would now draw on your experience from around the country. Do you know of any place in the country where the relationship of the State governments to the local governments is such that you have the States now coming in and taking over on local law enforcement from the State level?

Mr. FLETCHER. Not in terms of the administration of the department. Of course, many States do preempt police fields in the way in which the law can be enforced, in the way in which laws may be adopted. Many States do, in fact, pass legislation which controls the law, but the enforcement of it would still remain the responsibility of the local jurisdiction.

Mr. ADAMS. Now, the next thing: As I understand it, if this bill were to pass, the Park Police, the Zoological Police, the White House Police, the Capitol Police, would all then be under a unit that would be within the District Government; is that correct?

Mr. FLETCHER. No. It would be under Congress, sir, in my understanding.

Mr. ADAMS. It says an independent office, with the title of Commissioner of Police of the District of Columbia, established in the government of the District of Columbia. So I am trying to determine if you are going to put this in the District of Columbia. The only thing that I see is that an appointment would be made from Capitol Hill of this Commissioner and this group. Do you have any comment on that?

Mr. FLETCHER. I believe it would be under the control of Congress, as it is written. The appointing authority would be the Speaker of the House, the President Pro Tem, and the advisory board created by this bill would be advisory to Congress.

Mr. ADAMS. Therefore, within the Police Department the office would come directly under the Congress, in your opinion?

Mr. FLETCHER. That is my understanding, or directly to the Police Commissioner who would be appointed by Congress.

Mr. ADAMS. There was some comment made on what is happening to police officers in their relationships with people in the District of Columbia. I would like to get some idea percentagewise, because I know the sensation is nearly always reported and the day-to-day activity is not. Can you give me or can there be supplied by the District Government the number of arrests that occur within a month and a breakdown within that of those in which some degree of altercation occurs? As I read, there may be one of these a month, sometimes maybe two, and I would like to get some idea statistically whether this is a very small thing. I suspect it is, with a 3,100-man police force and an 800,000 population city. My guess is your arrests are running several hundreds per month and one or two incidents out of several hundred would not bother me as much as if there was an incident almost every time. Could you supply that or could it be supplied through the Department? I will ask the other witnesses later, but I would like to get some perspective on this.

Mr. FLETCHER. Yes, we can provide that for the record.

Mr. ADAMS. Next, refers to what it has been asked by Mr. Fuqua and Mr. Broyhill. I would like to get, as part of the statistics, the percentage of time spent by the Metropolitan Police Department on what we refer to as local crimes, or day-to-day law enforcement business. This is the burglary, robbery, traffic citation, and so on, in comparison to their Federal operation and, in particular, I would like a comparison in terms of arrests.

Mr. FLETCHER. All right, sir.

(The information subsequently submitted follows:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
METROPOLITAN POLICE DEPARTMENT,
Washington, September 9, 1968.

Hon. JOHN L. McMILLAN,
Chairman, House District Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN McMILLAN: This is the information requested for you by Mr. James T. Clark in his letter of August 7, 1968 and August 9, 1968.

Mr. Adams requested the following information: how many arrests within a month involved some degree of altercation; how much time did the Metropolitan Police Department spend on "local crimes"; and how much time was spent on

its Federal operation? The Metropolitan Police Department has only one statistical indicator of the number of altercations involved in making and maintaining arrests: the number of persons charged with assault on a police officer. Our record of arrests made in the fourteen precincts for the month of June 1968 indicates that there was a total of 4,173 arrests during this month and there were twelve incidents of assault on police officers during June. Mr. Adams' second question cannot be answered at this time since this Department does not statistically distinguish between violations of the D.C. Code and the U.S. Code. For example, certain arrests for drug law offenses can be prosecuted either under the U.S. Code or under the D.C. Code. This distinction is not drawn in recording numbers of drug law offenses.

Mr. Gude and the Committee requested information on the amount of time spent by the Metropolitan Police Department on various special functions. The statistical data relative to special functions for fiscal year 1968 is in the process of being compiled at this time. Since the overall number of hours does not vary appreciably from year to year, I am enclosing a statistical breakdown of man-hours spent on details for fiscal year 1967.

If I can be of any further assistance, please do not hesitate to write.

Sincerely yours,

JOHN B. LAYTON, *Chief of Police.*

Man-hours lost to details resulting from the status of the District of Columbia as the Nation's Capital:

Fiscal year 1967

<i>Class of detail</i>	<i>Total man-hours</i>
Civil Disturbance Unit.....	¹ 4, 007
Parades.....	8, 109
Motorcycle escorts.....	¹ 2, 858
President's Cup Regatta.....	534
Presidential.....	9, 991
Foreign visitors and diplomats.....	2, 142
State Department security.....	893
Blair House security.....	760
White House.....	1, 093
Cherry Blossom Festival.....	2, 353
Embassy security.....	6, 825
Pickets.....	7, 875
Constitution Hall.....	1, 128
Demonstrations.....	1, 220
Security.....	15, 412
Civic Meetings.....	103
Mrs. Johnson.....	34
Total man-hours.....	65, 337
Total man-days.....	8, 167
Police man-years.....	² 36

¹ These classes include some details not directly resulting from the status of the D.C. as Capital.

² Based on an average actual work years of 227 days per man.

NOTE.—Details to the United States Capitol for which the District of Columbia is reimbursed are not included.

	<i>Major non-Federal details</i>
Armory.....	14, 988
D.C. Stadium.....	19, 774
Washington Coliseum.....	2, 369
Man-hours.....	37, 131
Man-days.....	4, 641
Man-years.....	20

Mr. ADAMS. The last question I had was: Can you tell me approximately the number of vacancies that are still left on the Metropolitan Police Department?

Mr. FLETCHER. Yes, sir. As of last week, 82.

Mr. ADAMS. I want to at this point extend my compliments to you and the Chief and to the Commissioner.

Mr. BROYHILL. If you will yield, will you repeat that?

Mr. FLETCHER. 82 vacancies as of last week.

Mr. BROYHILL. 82?

Mr. FLETCHER. 82. We had approximately 40 in the process of being appointed and over 200 in the pipeline for appointment, as I said, within the next several weeks we will have no vacancies left. We are recruiting at the average rate, in the last six months, of 63 net gain per month.

Mr. ADAMS. I want to extend my compliments to you, because I sat for some time on this committee when this vacancy rate was high and going up. I am very pleased to know that now, through the changes that have occurred and the efforts you have made, this trend has been reversed and men are now coming into the Department. Thank you.

Mr. BROYHILL. Will the gentleman yield? I think the gentleman from Washington should also be complimented for his leadership and support of a salary increase bill that helped fill those vacancies.

Mr. ADAMS. I think all Members of the committee should share in that. I think it is one of the solutions. I am extremely pleased. I hope we continue to have that interest in the Department.

I yield to the gentleman.

Mr. GUDE. There is one project that I have been particularly interested in, the establishment of a Narcotics Rehabilitation Center in the District which is now in the process of being geared in. This requires very close coordination with the Police Department, doesn't it?

Mr. FLETCHER. Yes.

Mr. GUDE. What type of coordination is required if you are going to have a Center?

Mr. FLETCHER. I believe the Chief could provide a better answer than I on that, Congressman.

Mr. GUDE. I know that the concept of police handling of people who are narcotic addicts has changed quite a bit in law enforcement work. Now, rather than just confining them, imprisoning them, the idea is to enter them into a rehabilitation center and see what can be done. How is this carried on?

STATEMENT OF CHIEF JOHN B. LAYTON, METROPOLITAN POLICE DEPARTMENT

Chief LAYTON. We could go back some years, Mr. Gude, when the Congress, at the recommendation of the District Government, did enact legislation which provided for treatment of addicts and was not solely geared to penalties. We do in the enforcement of the narcotics laws cooperate very closely with the Federal Bureau of Narcotics. We work jointly, we make joint raids, we put undercover men out in the area where there is narcotics peddling. We do move very properly and appropriately, I think, in the enforcement of the present laws.

There is this other side of it, where persons who have become addicted to narcotics; there is provision in law for them to be hospitalized. Originally they were sent to the Federal institution. More recently they have been cared for at the local hospital, D. C. General.

There is in the works now in cooperation with the Health Department a broader experimental use of the rehabilitation of narcotics addicts.

Mr. GUDE. Do the precincts where this problem is the greatest work with the Health Department in this effort?

Chief LAYTON. Our narcotics law enforcement is supervised and coordinated largely by the headquarters squad. We do make use of members of the various precincts, but it is all coordinated with the headquarters squad. This is a specialized enforcement. We need, I think, to have this centralized coordination.

Mr. GUDE. Then whoever is head of this squad in your central headquarters works with the Health Department in coordinating this new program?

Chief LAYTON. Yes.

Mr. GUDE. If we had this legislation, then, there could be no one person who could compel if police authorities felt they did not want to cooperate or work with the Health Department, then they could go their own way, as I see it. Now, as the Police Commissioner established by this bill would not be under the control of the same authorities as the Health Department, would that be true?

Chief LAYTON. Well, I would expect that whoever was the head of a law enforcement agency or group of agencies would still be amenable to the law. If the law provided for certain kinds of treatment then that individual, whoever he would be, would be amenable to the dictates of the law.

Mr. GUDE. If the law so stated or if you put the administration of this aspect of the Health Department under Congress, then it would be easy to coordinate. Thank you very much.

The CHAIRMAN. Mr. Walker?

Mr. WALKER. Mr. Chairman, there is one good thing about being a junior Member of this committee, as well as of any other; by the time it reaches this Member, why, it has been thoroughly aired and most issues have already been adequately taken care of. So I don't have any questions, but I do have an observation or two.

CIVIL DISTURBANCES

If memory serves me correctly, I have heard testimony before this committee that the Department was, and was not, both sides as a matter of fact, surprised and not surprised about the so-called riots that we had back there in April. I can't understand how anyone in Washington reading the news media and the many remarks and speeches having been made prior to the April riots, that anyone could have been surprised, because I have heard testimony before this committee that they were not surprised and, as a matter of fact, they had the troops alerted and trained. There was some confusion, as a matter of fact, as to when and how soon they called on them. Then I have heard and read many statements and remarks about how happy and pleased everyone was because they had showed so much restraint.

So I won't belabor the subject. I have just been sitting here listening to all these remarks with some interest. I was also interested in the remarks made by Attorney Margolius, I believe was his name, last week.

I was intrigued by his statements, especially by the survey that had been made by the policemen themselves, and the percentage that were in favor of this legislation.

As of now, if we were called upon to vote, I don't know how I would vote. I think morale is very important, not only of our policemen in the District but all over this country, I think most of the Members on this committee would agree with me that no individual on this committee would want to serve as a policeman any place in the United States under conditions which policemen in this country have to work. So I would like to join with the rest of my colleagues in commending the police force, whether they be here or some place else in this great country of ours.

Also, the point was made this morning about whether or not there is any other city in the United States where the Federal Government is trying to intrude on their prerogatives. I don't know of any other city in the United States that has exactly the same situation as Washington. This is a Federal city.

I certainly don't want to see Congress take over the prerogatives, the law enforcement duties of the Capital or any place else, but I will tell you one thing: I think you will agree with me when you go back home and receive your correspondence from the people back home, they are not blaming the Police Department, they are not blaming the City Council in Washington, they are blaming Congress for everything that they see and read about the actions of this country.

That is the longest speech I have made since I have been up here.

The CHAIRMAN. Any further questions of Mr. Fletcher?

Thank you very much.

Chief Layton, do you care to make a statement?

Chief LAYTON. I have no prepared statement, Mr. Chairman.

The CHAIRMAN. Do any of you care to ask the Chief any questions?

POLICY AS TO RESURRECTION CITY

Mr. WHITENER. Chief, I would like to ask you a question. We have all heard this talk from the Deputy Commissioner about how this bill would destroy the present high level of coordination. We have here several separate police organizations and all of them are fine ones. But Mr. Fletcher said something about "a good job done during the Poor People's March". From what I read in the paper and from what Members of the House have told me, who went down to this so-called Resurrection City, apparently there was no policing at all within Resurrection City, at least none to amount to anything. I understand again that that was a park area under the primary jurisdiction of the Department of Interior and not the District Government.

Yet, I understand that your men were called down to the vicinity to back up the Federal police, the Park police. Now, who made the

decision there? I don't want to point the finger at any particular individual. How was the decision made to leave these men down there in the hands of some so-called marshals who, according to the press, were recruited from gangs all over the United States in the major cities?

How could it happen that anybody would decide that a newspaperman would have his camera taken away from him and be knocked down, or another newspaperman who reported in one of the papers said "You give me your money or else you are not going to get out of here alive". We had evidence reported in the press of other abuses of that after taking his camera, as I remember it, somebody came up and people who should have had every right to be on this Federal property, the television people who were assaulted, I understand.

Now, we talk about coordination. How did this type of coordination, if it is coordination, come about? I am not trying to embarrass you or your Department.

Chief LAYTON. First of all, as you have indicated, this was on Federal parkland which is supervised by the Department of Interior and the police agency that has the primary function there is the United States Park Police. Our Department, on occasion, is called—

Mr. WHITENER. Chief, let me make it right short: Isn't the truth of the matter that neither the Park Service, nor the Metropolitan Police, nor Deputy Commissioner Fletcher, nor Commissioner Washington had any voice at all in that decision, to stay out of there?

Chief LAYTON. I can't answer completely on that, Mr. Whitener. As to whether to go in or out, it is my understanding that on occasion members of the United States Park Police did go in. But it is my understanding also that they did not regularly patrol inside Resurrection City.

Mr. BROYHILL. They had to clear with the marshals in the Resurrection City, didn't they? In order for the Park Police to enter Resurrection City, they had to clear with the marshals' tent? They couldn't go in and try to arrest one of these people who had taken a camera. They had to clear access with the head of the "Nation"?

Chief LAYTON. My understanding, Mr. Broyhill, is—

Mr. BROYHILL. I am being facetious, of course.

Chief LAYTON. First of all, the Park Police did not regularly patrol inside the area. It is also my understanding that they depended mainly on the marshals who were appointed, as you have indicated, to patrol inside Resurrection City. It was the arrangement, according to my understanding also, that if any incident occurred they talked with the marshals.

Mr. BROYHILL. They could not go into the city even if an incident occurred, could they?

Chief LAYTON. I don't believe they were completely restricted to that extent. It is my understanding that they did on occasion—Inspector Beye, particularly, went in when he saw need to go in. But they did not regularly patrol the area.

Mr. WHITENER. If that is the kind of coordination they are trying to preserve, then this bill, it seems to me, is very desirable because

that is not the kind of coordination that the people I represent want here in the nation's capital.

Chief LAYTON. Yes, sir.

Mr. WHITENER. Actually, the coordination, as they call it, resulted in creating a situation where the average American wasn't even safe to go into this acreage of federally-owned property within the confines of the District of Columbia; now, isn't that so?

Chief LAYTON. Well, they arranged at times for people to go in. There were, without any question, assaults that occurred in this area and it was not regularly patrolled by duly constituted police forces.

Mr. WHITENER. Actually—and this is aside from police work—but the Health Department people weren't too safe fooling around inside there, were they?

Chief LAYTON. I am not able to answer to just what extent they went into the camp site, Mr. Whitener. There was a facility in a trailer that was immediately adjacent to the City, but I am not familiar with the extent to which they entered the camp site.

Mr. WHITENER. Again I am going afield, but do you know if any arrests were ever made in the several cases where duly accredited press photographers and television cameramen were assaulted, and in some cases had their cameras taken away from them?

Chief LAYTON. I am not aware of an arrest that was made in those cases that you refer to.

Mr. WHITENER. That isn't much coordination, is it? That is not much coordination of law enforcement, is it?

Chief LAYTON. It is not an exercise of good law enforcement, of course.

Mr. WHITENER. Thank you very much.

The CHAIRMAN. Thank you, Chief Layton.

Chief LAYTON. Thank you, Mr. Chairman.

The CHAIRMAN. At this point, we will include a Resolution of the Federation of Citizens Associations of the District of Columbia in support of Chief Layton.

(The resolution referred to follows:)

FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

[RESOLUTION OF FEBRUARY 8, 1968]

Whereas: Chief of Metropolitan Police, John B. Layton, has served his community faithfully and well during his term of office; and

Whereas: Chief Layton has dealt with his men and the community fairly, and has gained the respect of the law abiding Citizenry for his ability, honesty and straight-forwardness; and

Whereas: Chief Layton has maintained law and order in our Nation's Capital during a period noted for racial tensions and has prevented the riots and destruction suffered by many of the Nation's urban centers during this same period; and

Whereas: This has been accomplished in spite of the harrassment by groups and individuals having the avowed objective of destroying our way of life: now, therefore, be it

Resolved: By the Federation of Citizens Associations in meeting assembled this eighth day of February 1968, that it reiterates its whole hearted confidence, support and appreciation of John B. Layton, Chief of the Metropolitan Police Department, and his accomplishments for our community; and be it further

Resolved: That copies of this resolution be sent Police Chief John B. Layton, the Chairmen of House and Senate District Committees, the President of the United States, the Commissioner of the District, the Attorney General of the United States, and the Washington Daily Newspapers.

Mrs. ERNEST W. HOWARD,
Chairman, Police and Fire Committee.

JOHN R. IMMER, *President.*

The CHAIRMAN. The committee last week had to adjourn because of an early meeting of the Congress, and Members did not have an opportunity at that time to question Mr. Margolius. So we requested Inspector Sullivan, who is taking his place, to attend this meeting for the purpose of answering questions.

Are there any questions that Members want to ask?

STATEMENT OF INSPECTOR JOHN L. SULLIVAN, RETIRED, CHAIRMAN, LEGISLATIVE COMMITTEE, POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA; ACCOMPANIED BY ROYCE L. GIVENS, EXECUTIVE DIRECTOR, INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS

Mr. SULLIVAN. For the record, Mr. Chairman, my name is John L. Sullivan. I am a retired Inspector of the Metropolitan Police Department and Chairman of the Legislative Committee of the Policemen's Association. On my right is Mr. Royce Givens retired, from the Metropolitan Police Department, Executive Director of the International Conference of Police Associations, representing over a quarter of a million policemen throughout the United States and Canada, and also the Executive Secretary of our local Association.

I would like to state for the record that our Association supports H.R. 14448 and also H.R. 14430.

We believe this is the type of coordination that our city deserves. We believe, to the contrary of some of the statements that have been made, that it would lessen the cost of the operation. It takes nothing away from the individuality of any Police Department or the function of any Police Department. We feel also that under this system there could be more direct action.

I would like to take you back to April for a moment, if I may.

CIVIL DISTURBANCES

Prior to April we were told time and time again that this city was prepared for any emergency that occurred. When I say this, I am not reflecting anything on my good friend, the Chief of Police, because I have the greatest confidence in our Chief of Police and think he would be a splendid man for this job which you are proposing here. But when the riot broke out in April, I am at a loss to know why—and many more people are, too—that at 12th and U Streets, Northwest, and having been a policeman for some 26 years-plus, they said to this community that “We pulled the policemen out there for their safety.” Now, I have never had that pleasure as a policeman, to be pulled out for my safety. There was much confusion as to whether we

should use the tools at hand. I am not talking about guns, unless they are necessary, but the gas, the Mace, and the other tools available. Then it was said that we went up on 14th Street and it was said that we formed a cordon around a certain area and that in so doing we arrested the perpetrators of the crimes as they left the area.

Now, certainly by experience, as our good Deputy Mayor has said, we learn lessons. In the last incident in May when the authority was turned over to our Chief of Police, he did a job which is commendable to all men because he used the force that was necessary, and was very right, and the difficulty was over within hours.

I am saying simply that if we had had the same coordination of all the forces—and this force had been applied in the April incident—it would have gotten no further than 12th and U Streets, Northwest.

Yet millions of dollars of property was destroyed, people's lives were taken, and there was useless waste of the taxpayers' money and property in the District of Columbia.

Now, to get back to the legality—and I am not a lawyer—but it is the duty of Congress to govern the District of Columbia, and I think it was around about 1802 when they took upon themselves to set up a government for the District of Columbia because the District of Columbia does not only belong to the residents of the District of Columbia but this entire Nation, and this Nation has a right to visit the capital seat, it has a right to do so in safety.

I think the merchants, the hotel people and everybody else would say clearly that this was not the case this summer. So I can only say that after reading what our attorney said and what Congressman Broyhill said in his opening statement, that this is not only a necessity but a must. When we read in the newspapers where members sitting on the City Council condone and will not refute a statement made that the "two honky cops" that were shot and one of them executed while laying on the sidewalk, is justifiable homicide; we find ourselves in a dilemma. The only one who can straighten out the dilemma is you gentlemen in the Congress of the United States of America.

When we pick up such things as these little goodies (indicating the exhibit attached) and we read them, we find the names of individuals on the bottom of it, and I shall submit this for the record, if I may, people in high places making decisions as to whether policemen can walk in a certain area or whether policemen have a right to go into a certain area, even speaking of holding elections to decide who is going to patrol or who is going to be the commanding officer; I fully realize that we must have the confidence of the people, and I think we can best gain that confidence by keeping our precincts intact, keeping our community relations at a point where they were years ago when you knew Mr. So-and-So who lived on your beat.

We say much about recruitment and we say that we are only 80-some short now. But the question is: Where are they? Are they patrolling their beats at night? Are they on the street? You gentlemen and I both know, and I am sure the good Chief will agree with me, the best prevention of a crime, and also the detection of crime, is the uniformed man walking on the beat.



THE BOARD OF COMMISSIONERS HAVE SHOWN THAT THEY DO NOT CONTROL THE POLICE DEPARTMENT. THE COMMISSIONERS HAVE REFUSED TO SUSPEND THE TWO WHITE COPS THAT BEAT MARION BARRY, JR., WESLEY BRYANT AND LESTER MCKENNIE. THE COMMISSIONERS HAVE SHOWN THAT COPS CAN BEAT NEGROES WHEN THEY WANT TO.

WE MUST ACT NOW!

1. HAVE YOU EVER BEEN CHARGED WITH BEING DISORDERLY BECAUSE YOU DIDN'T MOVE FAST ENOUGH OR BECAUSE YOU TALKED BACK TO A COP ?
2. HAVE YOU EVER BEEN ARRESTED FOR "FAILING TO MOVE ON" BECAUSE YOU WERE MERELY STANDING ON THE CORNER ?
3. HAVE YOU EVER BEEN CALLED "NIGGER" OR "BOY" BY A WHITE COP ?
4. HAVE YOU EVER BEEN BEATEN BY COPS ?
5. HAVE YOU CALLED THE POLICE ABOUT A PROBLEM AND IT TOOK THEM AN HOUR OR MORE TO COME OR THEY NEVER CAME ?
6. HAVE POLICEMEN BEEN DISCOURTEOUS TO YOU ?

THIS IS POLICE BRUTALITY AND POLICE NEGLECT.
THERE ARE TOO MANY WHITE COPS IN NEGRO NEIGHBORHOODS:

WE MUST ACT NOW!

Mass Rally: Mon. Apr. 10th 8pm
New Bethel Baptist Church, 9th & 8 St NW

fear EX-CONVICT GASTON NEAL; MRS. WILLIE HARDY,
REV. DAVID EATON, LONNIE KING, REV. WALTER FAUNTROY, DICK
ANDERSON, MARION BARRY, JR., LESTER MCKINNIE, JULIUS HOESON
AND OTHERS.

Citizens Committee for Equal Justice phone 882-5387

STOP POLICE BRUTALITY NOW!

With reference to morale—I don't think that our morale is like all the descriptions of morale, because morale itself has many meanings. Take the description for morale: It has been described as moral or mental condition with respect to courage—and we have no question there—with respect to discipline—and we have no question there—with respect to willingness to endure hardship—and we have no question; but confidence and enthusiasm is also included in the meaning of morale, and this is where we find our difficulties.

I could not urge this committee any stronger than I have to adopt this bill into law, to have this control and give to this Federal City and the visitors that come to this Federal City and the citizen of this city the type of cooperation that is desirable and needed to enforce the law.

Thank you, sir.

The CHAIRMAN. Mr. Whitener?

SCOPE OF BILL

Mr. WHITENER. Inspector Sullivan, I express to you my appreciation for your continuing efforts to improve the lot of the police officer. I know that you are aware of the attitude of the majority of this committee in the past who are trying to uphold the man on the beat, the man in the cruiser car.

I am just wondering if you feel that this legislation would be destructive of coordination in the areas of education, corrections, welfare, and traffic control.

Mr. SULLIVAN. Certainly not. I must disagree with that because, in the first place, while I agree with our Deputy Mayor that there are urgent problems, such as better housing, better jobs, and so forth, I cannot see where this bill affects any of those things, that our police departments are already doing. It would only coordinate the efforts of all the police to do these things that would make a better neighborhood, a better city. I have just returned from St. Paul, Minnesota where I listened to the representatives of a large number of police departments. Their problems are greatly the same as ours, and they are looking for some way to coordinate law enforcement throughout the nation. I am not speaking now of a national police force because I believe it is vital that every community have its own police force. There have been some remarks, to answer your question, with reference to welfare, education, and so forth. I think the coordination of all these efforts with all these police would do a much better job than is now being done along this line.

Therefore, I can see no conflict in it.

Mr. WHITENER. What about the suggestion that it would result in a major reversal of the trend toward citizen participation and involvement? My personal view is that there has been at least some so-called citizen participation and involvement that ought to be put in a bucket and sealed up hermetically rather than to be promoted.

Mr. SULLIVAN. I couldn't agree with you more. I just stated a moment ago that I was alarmed that we had some of our citizens—and they are small in number, because I agree with what Mr. Sisk said

some time back, that 99 percent of our people want good law enforcement, and I believe this will give them law and order, and I think the citizens can participate in it. But if we are talking about the United Black Front, if we are talking about these pressure groups that are seeking some type of recognition, then those are the type that should be put in that bucket and sealed. Let's listen to the leaders of the city. They would have just as much opportunity to come to this Congress or come to the Chiefs of Police or the Commissioner or anywhere else. So we are not in any form in this bill preventing participation of citizens. But we could eliminate some of this harassment that is continually going around.

I have other little documents of note that disturb me no end. When I read a piece in the paper where one of the leaders of a so-called organization, called a militant civil rights organization, will take over the sound truck campaign against the Metropolitan Police Department, specifically against the officer accused—we went through that the last time. This was about Office Tague, but this is one of the leaders. I would like to put this in the record, if I may.

[From the Evening Star, Washington, D.C., Apr. 14, 1967]

HOBSON DECLARES ACT WILL HARASS POLICEMAN

(By Paul Delaney, Star Staff Writer)

The militant civil rights organization ACT will take over the sound truck campaign against the Metropolitan Police Department and specifically against an officer accused of brutality, ACT chairman Julius Hobson said today.

He said the sound truck campaign would be launched sometime after May 1.

Hobson resigned from the Citizens Committee for Equal Justice yesterday when that group retreated in its method of protest against Pvt. Thomas Tague, involved in a dispute after he arrested rights leader Marion Barry last month.

The citizens committee announced yesterday that it would not use a sound truck to follow Tague on his beat and blast out that the patrolman is a "dangerous character." The group originally decided upon the tactic at a mass meeting Monday.

PLANS DENUNCIATION

But Hobson said today members of ACT, instead will man a sound truck and go through the streets of Tague's beat and announce to citizens that he is "armed and should be considered dangerous."

The Police Department had issued a permit for the Citizens Committee to use a sound truck for one week beginning next Monday. Hobson would have to apply for another permit to legally carry out the threat.

Hobson said leaders of the group were "boys trying to do a man's job." He accused them of lacking courage to carry out their plans after facing severe criticism.

"They were frightened by some racist members of Congress," Hobson asserted.

"I think they did a disservice to the community to plan a course of action and then not have the courage to act. But I'm not going to be frightened.

"As soon as the school boycott (scheduled for May 1) is over, whether successful or not ACT will take up where CCEJ left off."

Hobson said the committee's leaders, Lonnie King and the Rev. David Eaton, are not used to rough criticism, and "if they can't stand the excitement they should stay out of the arena."

The committee was formed after the March 30 jaywalking arrest of Barry. A scuffle ensued during the arrest and Barry claimed he was struck by Tague. However, the officer was cleared of any wrongdoing by the District commissioners' after an almost immediate investigation. Barry still faces charges of jaywalking, disorderly conduct and destruction of property.

APPEAL TO JOHNSON

Meanwhile, John R. Immer, president of the D.C. Federation of Citizens Associations, wrote President Johnson to tell him the committee is trying to "fear down law enforcement."

Immer said: "It is important that you disassociate the White House completely from the consistent backing and support your office has given the Rev. Walter E. Fauntroy, and to make clear that it is not backing him in this effort to harass Police Officer Thomas J. Tague."

Mr. SULLIVAN. During the riots we had another such situation as this. It says "Black Brothers, we got Whitey on the run." It is called the "Black Hand." It would be quite interesting, I would suggest, and I submit that for the record.

(The information follows:)

BLACK BROTHERS !!

WE GOT WHITEY ON THE RUN!!

WHITEY HAS GOT TO BE TAUGHT A LESSON. THE MORE WHITEY DEVILS THAT ARE FOUND WITH THEIR THROATS CUT THE MORE THEY WILL KNOW THAT WE MEAN BUSINESS. WE GOT THE WHITE POWER STRUCTURE IN OUR BLACK HANDS. RIOTS ARE NOT ENOUGH. WE HAVE TO SHOW THE WHITE DEVILS WHAT POWER REALLY IS. CURSE THE WHITE DEVILS. RAPE THEIR WOMEN. SPIT ON THEM. TAKE OVER THE SCHOOLS. EVERY CHANCE YOU GET DESTROY THEIR WHITE HOMES AND GREEN GRASS. GO INTO THEIR NEIGHBORHOODS AT NIGHT AND DO ANYTHING YOU CAN DO TO PUT FEAR IN THEM. THEY ARE YELLOW BESIDES WHITE. WE HAVE THE LAW ON OUR SIDE. THEY HAVE TO BE ELIMINATED.

WE HAD A DREAM TOO!

WHEN THE TIME COMES TO INVADY WHITEY YOU WILL GET ORDERS TO DO YOUR PART. OUR SYMBOL IS A BLACK HAND AND THE PASSWORD IS THE MAN. ANY BLACK BROTHER WILL LET YOU KNOW THE PAD OF OUR BEING. YOU WILL BE BOUND TO SECRECY AND YOU WILL BE ALLOWED TO BRING IN THE HEAD OF A WHITE DEVIL IF YOU ARE COOLED IN THE GROUP. THIS IS IT. RIOTS WILL LOOK LIKE PICNICS WHEN WE ARE THROUGH. DESTROY DESTROY DESTROY DESTROY

BLACK POWER IS BABY TALK MAN. THIS IS BLACK HAND POWER. THEY WILL FEEL THE STING. THIS IS A CALL TO ARMS. BLACK ARMS. BLACK BODYS. BLACK HEARTS. BLACK HANDS.

BURN BABY BURN IS WHITE FLESH FROM NOW ON. NO LIGHTS. NO GAS. NO WATER. NO NOTHING FOR WHITEY. NO CALL FOR HELP. IT WILL BE TOO LATE FOR THE WHITE DEVILS. DESTROY.

PACK THE ROD AND STEEL.....

IF YOU WANT TO KINGLE ASK YOUR BLACK BROTHER IF HE IS ONE OF THE HANDS. YEAR

Mr. SULLIVAN. These are the type citizens that I am talking about, Mr. Whitener, who should be sealed and put in some can and not voiced as a representative of the people, which they are not. We find that there is in our community proper representation for all of our people by dignified and competent people, but there are a few that are preaching anarchy, insurrection, and I think this should be stopped.

Mr. WHITENER. Do you get the impression that some of the men in the Police Department have the feeling that these so-called militant groups and trouble-making groups are listened to by some of the people in authority here more than are the more sober and sound organizations and people?

Mr. SULLIVAN. One gets that impression, and rightly so, because the people that seem to be more interested in good law enforcement go to a meeting at their civic organizations and through their local organizations, express themselves there. The more militant type are the ones that run around with banners, whooping and hollering and trying to stop free speech wherever it may be, so they do get some recognition and do get some acknowledgement of their behavior. How can it be any different when there sits right on the Council one who belongs to the Steering Committee of the United Black Front and will not repudiate the execution of the policeman when they declared it to be justifiable homicide? When the officer's gun was taken by one of the culprits and the man lying on the sidewalk was shot in the head and executed, this is a problem. I read just recently where they are going to take another suggestion from the same organization before the Council so that they can work more closely with the people. I think that the true representation of the people is not being heard. I don't think that they are making the effort that they should make to be heard. I think the greatest noise we are getting is from these self-indoctrinated leaders or would-be leaders of groups that are certainly detrimental to this government. When a man visits every Communist nation in the world and he can come here and set up an organization such as the United Black Front and draw into it the people he drew into it, one must question with great concern how this can happen, yet it did. I think they quote their number as 150 strong.

Mr. WHITENER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Broyhill?

Mr. BROYHILL. Mr. Sullivan, you stated that you have been with the Police Department for 26 years?

Mr. SULLIVAN. Yes.

Mr. BROYHILL. In what capacity did you serve immediately prior to your retirement, and for how long?

Mr. SULLIVAN. I was in the Robbery Squad for the last three years of my service, as Commanding Officer.

Mr. BROYHILL. What was your rank?

Mr. SULLIVAN. Inspector.

Mr. BROYHILL. You served as a Captain for some time, too?

Mr. SULLIVAN. I served as a Captain both in what is called the Criminal Intelligence Division now—it was the Missing Persons Bureau and Special Investigations before—and also the Sex Squad and Narcotics.

Mr. BROYHILL. Mr. Givens served with the Metropolitan Police Department for some time also, did he not?

Mr. GIVENS. Just short of 25 years.

Mr. BROYHILL. 25 years?

Mr. GIVENS. Yes.

Mr. BROYHILL. So both of you gentlemen have had a lot of experience with police work and are quite familiar with the attitude of the members of the Police Department?

Mr. SULLIVAN. I would think we have a pretty good idea.

Mr. BROYHILL. Your attorney, the counsel for the Association, submitted some figures here last week showing the results of a poll, a questionnaire that you sent out asking members whether they were for or against this particular bill. He reported that you had approximately 2,000 replies that came in prior to the April incident.

Mr. SULLIVAN. Yes.

Mr. BROYHILL. The result of this poll showed 1,642 in favor of the bill and 334 opposed. He stated that it was his opinion that if the poll had been taken any time since the April riots, the vote would be even more strongly in favor of the legislation. Do you share that opinion?

Mr. SULLIVAN. I don't think there is any question about it.

Mr. BROYHILL. The overwhelming majority of the members of the Police Department are for this legislation?

Mr. SULLIVAN. No question about it.

POLICE MORALE

Mr. BROYHILL. You said something a moment ago about morale. Now, the representative of the city government here indicated that the morale has not changed, or has even improved. I don't think I misquoted him. He indicated that morale is presently of no significance, anyway.

Mr. SULLIVAN. Yes, sir. I was present when the Deputy Commissioner made the statement referred to, and Mr. Beatty did say that the morale was higher than it had been at any time since the new Commissioner had taken over, but he had reference more to what you gentlemen had done in the way of pay than other aspects of morale. I think you must have morale. The majority of our policemen have it as I defined it a while ago. I am of the opinion that the morale of the Police Department in the two phases that I mentioned, however, is low and is remaining low because they don't feel that our Chief of Police has free reign and a free hand in the operation of the Police Department. Even in the backing of the men on the streets we find various and different types of commanders and this is something that I guess will always exist, but the morale of the Police Department, when you read statements such as I have quoted, certainly cannot be too high. It has to be low in some facets of it. Policemen do not take a job for money only, as was mentioned here by Mr. Sisk I think. I took the job back when it was \$1,900 a year because I was a depression boy and needed a job and I liked being a policeman. It was pretty good money in those days. But as time went along I am sure I, as many others, could have gone out into other fields. So those that do stay on and those that do the job must have some morale and dedication. But the morale we are speaking about is, where do we stand when

an officer goes out and does his job as he should do it under the law, and then the next thing we hear is that the City Council, let's say, is going to have a hearing on whether we should use gas or Mace to stop a riot or to stop a disorder? It is far more merciful to use this type of weapon than it would be to have to shoot someone. This is the type of thing that is affecting the morale of the men with the Police Department.

This is what we hear. I have answers here from them just as the attorney has. I wouldn't embarrass this committee by reading them. But the men just do not feel that under the present system, the present setup, they are going to get a fair shake. That is why we are so much in favor of these two bills.

MR. BROTHILL. You submitted some publications or leaflets for the record. Of course, these are being printed and distributed all the time. I have in my hand one that was distributed just last weekend out in Prince Georges County, Md., in support of a so-called Black United Front, pointing out that they advocate neighborhood elections or review boards, and also neighborhood authority to require transfers of personnel, and authority over the overtime hours of police officers. Another one here is concerned with city-wide democratic decisions, whether officers should carry guns, and so forth. Then there is a mimeographed leaflet attached to it urging that the people write to their Congressmen, in this case to Congressman Machen, to oppose this legislation and to support the efforts of the Black United Front. So the propaganda is out and is being distributed, and the pressure is on to do everything they can to defeat this legislation.

SCOPE OF BILL

I might say this for the purpose of the record, Mr. Chairman: I stated earlier that as one of the sponsors of the legislation—and I am sure most of the co-sponsors feel the same way—that this is a real problem with which we are confronted. We are trying to come up with the best possible solution. I don't know of any legislation which has ever been introduced in the Congress that was the perfect answer, or that did not result in some give and take and compromise before it ever became law. In fact, I received a call from the Under Secretary of the Treasury, Mr. Joseph Barr, last Thursday. He was concerned about the fact that this bill might take the White House Police away from the jurisdiction of the Treasury Department or do harm to the coordination with the Secret Service which is under the Treasury Department, and thus endanger the life of the President. Certainly, none of us would want to do anything that would place his life in greater jeopardy than it already is. It may well be—and I said this to Secretary Barr—that the White House Police Force should be taken out from under the provisions of the bill, if this situation causes any anxiety whatsoever as far as the protection of the life of the President is concerned. We know that even under the present situation, White House Police Force relies for its recruitment service upon the Metropolitan Police Department. They do the training and recruitment.

So that is part of the coordination that is already in existence. We just want to help to simplify it somewhat. I am not proposing this as a compromise or an alternative but a suggestion also has been made,

that we could provide that this Police Commissioner be appointed by the President with the advice and consent of the Senate, and have the Advisory Commission appointed by Congress as is provided in the bill. The organization would still be a part of the Legislative Branch of the Congress, the same as the General Accounting Office, the Government Printing Office, the Library of Congress, the Botanical Garden: even the Architect of the Capitol is appointed by the President, but yet he serves with the Congress and for the Congress and actually has no other official relationship with the Executive whatsoever.

So there are many things we can do to help give everyone a part of the action, so to speak, and to protect the interests of all concerned. But the main thrust of the bill is to coordinate the separate and presently uncoordinated activities of the separate police departments and to bring them under the general guidance and supervision of the Congress of the United States.

So I make that statement for the record at this time, Mr. Sullivan, because I feel that there are a lot of things we can do in perfecting or improving this bill so as to overcome some valid objections and yet not destroy the main intent of the legislation, which is to improve the effectiveness of law enforcement here in the nation's capital.

MR. SULLIVAN. Mr. Broyhill, I think the White House would be the safest place in the country under this bill. Certainly, if there are some amendments to be made, I am not the one to judge. It is this committee. I see nothing changing anything except that we are coordinating the efforts of law enforcement. I see this causing no hardship on budgets or anything else. In fact, it may be that it would come to a lesser cost, taking everything for granted, with the economy being what it is; there might be additional costs in payrolls in the future, or retirement benefits, or whatever it might be. Certainly, you are right, nothing is perfect when it is first drawn. There might be some things that need changes but I, for one, could not see where this would be detrimental to the protection of the President of the United States. Let us say now that the—the bill does not say that you are going to take anything out of the White House Police Force but it could very easily be that we move quite a few more up there if we needed them. This is the type of coordination that I am speaking about. I am thinking that this bill keeps the individuality of each department and just puts a man at the head of it, and the Commissioner to guide him, so that he can best, through the knowledge and learning, apply the police forces to the welfare of the people of our nation's capital.

Now, certainly if it does cause some slight changes, this, of course, is within the wisdom of this committee. I, for one, cannot see it.

THE CHAIRMAN. Mr. Sisk.

MR. SISK. I will try to be very brief.

EFFECT OF D.C. REORGANIZATION

Inspector Sullivan, I think just in order to kind of lay this thing out, as I understand it, actually what we are doing or what I would interpret your position to be—and I am not being critical of your position because I think you know my strong feelings about the need for a well-supported police department here—but what in essence this bill

would do, and your position and those supporting that position, is actually a lack of faith in the existing City Council as composed under the Reorganization Act; isn't this basically the fact?

Mr. SULLIVAN. It is part of the fact.

Mr. SISK. I want to hasten on. I know the Chairman is anxious, and the House is now going into Session. As I stated, I as one who supported the President's reorganization proposal—I know some of my colleagues around here who did not, and maybe this proves they were nearer right than I was at that time—I say I am not entirely ready to reverse my position. I have been very disappointed, let me say, in the lack of strength shown by this Council, and particularly by what I consider to be very weak-kneed action by some members of this Council. I think it is unfortunate. Maybe we can check into these Councilmen and make some changes. There is a complete lack of faith in what we have created as part of the Reorganization Act. I would personally like to see it strengthen.

As to the concern I have with this bill—and as I say, I have not taken a position for or against the legislation, I think I basically agree with the objectives you seek to achieve—I am hesitant to fragment a situation. If we made a mistake in the reorganization, I think we should take the bull by the horns and rescind the reorganization and maybe make a whole new approach to this situation. The only question I had was this: Generally, there is a strong feeling, Inspector Sullivan, that the Council has not asserted the firm support for law and order in the District that you feel they should have. Is that basically correct or not?

Inspector SULLIVAN. That is correct. Let me say this: We have the greatest faith in our Mayor. I think he is trying to do and has done on outstanding job with all the complications that go along with it.

The same goes for our Deputy Mayor. We cannot say the same about the Council and we will not say the same about the Council. The Council has not given us any encouragement. It has not shown us any encouragement. Maybe the approach should be to reorganize once again. But I believe in the meantime, and I believe even in the future, that these particular two bills will come nearer to doing the job than any single action that can be taken. It is my humble opinion that once it is put into practice and it is left up to the Chiefs of the various Departments to run their Departments with the guidance of the Commissioner and his Council that the bill calls for, then and then only is crime going down.

It appalls me to read in the papers each and every day of my life where some person I have known over the years was murdered.

POLICING OF RESURRECTION CITY

If we had time to get into the crimes that were committed in Resurrection City, it would be appalling.

Certainly they did not let the policemen in. When they did go in they got whipped and beat up and their guns taken away from them. Yet one of these so-called leaders of these Rangers was arrested the other day for armed robbery. So I cannot see why we can say that you can designate an area belonging to this great Nation of ours, and

say that these people can come in and be squatters and nobody else has access to it, as happened the other day in the park under this same front when we had a meeting at the Meridian Park. They did not even allow the policemen in, much less the news media.

Then on second thought they did allow news media to come in. This is the situation that exists. It does not mean we cannot go in. We can if the proper orders are given. But we must have the coordination of all our law enforcement agencies, and I do not think we have it under the present system. I can only end by saying that I think this is the right approach. I agree with Mr. Broyhill, or anyone else—maybe it calls for some changes—but it is the right approach to make the policeman feel that he is being supported, that he is going to be supported in the job. I cannot see where it takes anything away from any individual police department.

Mr. SISK. Thank you, Inspector. I appreciate very much your statement because I know your own personal dedication. I join you in my concern about making the policeman feel confident that when he is doing his job he has the complete backing and support of the powers that be in the District. I just close, Mr. Chairman, by quickly saying that I hope, before the hearings are concluded on this particular legislation, that a representative of the City Council will be brought before this committee. I personally, and I am sure others, too, would like to discuss with them what I think has been a pretty serious failure on their part. I, too, join in my tribute to the Mayor. I think Walter Washington has done a tremendous job. In fact, I have literally felt sorry for him on many occasions, the tremendous hours, the struggle I know he has gone through, particularly in the days of the riots. I admire his courage and the work and the effort that has been made by the Deputy Mayor who was here with us this morning.

Unfortunately, I too, am somewhat critical of the Council and some actions of some of the members are to be totally deplored. It is a shameful thing to me that they have not found themselves at least honest enough to resign and step out if they cannot support law enforcement in this District.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Gude?

Mr. GUDE. Thank you, Mr. Chairman. I want to compliment you and your organization for the work you are doing in trying to better police morale because if a policeman is to do any kind of a good job, he must feel he has the support of the governing body behind him. I think the Police Department has the backing of the Mayor and the Congress. We try to do that and show it by the pay raise and other legislation. I would like to ask one question very quickly.

ADVISORY COUNCILS

In regard to the operation of the police force and its morale, as I understand it under the present system in each precinct the Captain can have an advisory council composed of citizens of the area; isn't this correct?

Inspector SULLIVAN. Yes.

Mr. GUDE. Does your organization have any observation about the effectiveness of these Councils—good or bad—or would you have any suggestions about the improvement of them? Would you like to reflect on that and submit a statement?

Inspector SULLIVAN. Not at this time, Mr. Gude.

Mr. GUDE. Pardon me for interrupting, but I gather that you feel even with Mr. Broyhill's bill that such an organization could continue to operate?

Inspector SULLIVAN. I do not think there is any question about it continuing to operate any type of community relations that are proper and appropriate under the bill. There is nothing interfering with the operation of the Police Department rather than the coordination of the efforts. It could be in even a broader scope. I do not think we have had a chance to fairly evaluate this new approach and therefore I would not like to comment on it. Maybe Chief Layton would have a better opportunity to do so than I.

Mr. GUDE. The operation of these councils would have a direct bearing on the police morale.

Inspector SULLIVAN. It does. The council representing the citizens of our District, and are not radical except looking for some self-gratification or some observation by some news media, such as some of these units we know about, that is fine. If it is an involvement of the people who are sincerely interested in understanding their policemen, and sincerely interested in creating a better Police Department, we would have no objection to it. But this is something that would have to be determined by the Chief of Police, and then we would be willing to work along that line.

I do not see where this bill would interfere with such operations as that.

Mr. GUDE. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Adams.

Mr. ADAMS. Thank you, Mr. Chairman.

I would first like to say, Mr. Sullivan, that I support increased pay for the Police Department. I think we have to do this throughout the nation. I also tend to continue to press for additional pay in the educational area, because I think professionalism in the Police Department is our only hope in America. You indicate you have been 26 years as an Inspector. I want to ask you this question: In your opinion, hasn't the downtown area both ethnically and economically changed radically in that 25 years?

Inspector SULLIVAN. Very much so.

Mr. ADAMS. Aren't we therefore confronted with a different set of problems, and therefore need different solutions to approach them, than we had 25 years ago?

Inspector SULLIVAN. No, I think the law is the same.

Mr. ADAMS. I agree the law is the same.

Inspector SULLIVAN. It has not been amended as it should have been amended. Even though we have this change, Mr. Adams, the law is applicable and the law should be enforced. As to our change in public relations in this sort of thing, and to get to know them and understand them, I agree with you that this is an effort that we are doing now and have been doing for some time.

CIVIL DISTURBANCES

Mr. ADAMS. I agree. I have just a minute. I am not going into the community relations area with you. I think we are having a real awakening in America of what is necessary. I am talking about the fundamental law enforcement problem. You mentioned specifically the situation at 12th and U and the one at 14th and U. I remember questioning Mr. Murphy specifically on this, and he reported that he had two cars with two men in each car in that area, four men, and they reported between five and six hundred people on the streets around them, many of whom were apparently armed. Some at least were brandishing weapons. Later on there were many thousands along 14th Street. I am asking you if this type of confrontation or situation in the central portion of the community is not a new type law enforcement situation from what we have had in the general day-to-day activities of the Police Department in the past.

Inspector SULLIVAN. The answer, of course, is yes. Let me give you a further example. I am now employed by a food chain, I will not mention the name, and there were other good chains in this same area. One chain lost 18 stores. We lost only the windows out of three stores, partly due maybe to our public relations. But in fact when 300 of them came in front of one of those stores, across the street from us, and 12 men stepped out with shotguns, no windows were broken.

Mr. ADAMS. In other words, you are saying in that situation at 12th and U—I think we are all trying to get to the essentials of the problems of the central city—it would have been your position that the officers at 12th and U could have confronted with force the crowd that was there and that would have improved the overall situation of what happened in the city in April.

Inspector SULLIVAN. I do not think there is any question about it. I think if they had used the weapons—and I am not talking about death weapons, Mr. Adams, I am talking about the gas and mace and so forth—it is my understanding that it was there, it is my understanding that it was not used. I said if they had used it. Let us go back to May when they did use force; it stopped very quickly and when we did not do it in April, just as the good Deputy Mayor said, we learned our lesson. We came back in May when we had the trouble and we did a better job because it was left up to proper persons to deal with it.

Mr. ADAMS. I think you have to state that in April and May the same people dealt with the same situation in the sense that the Chief of Police and the Commissioner here were running the Police Department at both times. Also, the May situation in terms of a confrontation was much different. What I am trying to get from you is your position and statement as to what changes should be made in the central city in terms of handling massive confrontations with substantial portions of the population in an area in a hostile attitude. This is not the one to one relationship ordinarily in law enforcement or one to two or three.

Inspector SULLIVAN. Passing of this legislation so that all law enforcement efforts could be coordinated—

Mr. ADAMS. This legislation won't change that situation at all in the city, Mr. Sullivan, will it?

Tomorrow it is going to be just like it was yesterday in terms of the basic central city crisis.

Inspector SULLIVAN. I think it will change it somewhat. You will have one person coordinating all the law enforcement. I have stayed away from one part of the bill because I do not think it is within my wisdom to pass upon it, but somebody has to say when you are going to bring additional help in like the National Guard. Somebody will have to say when you bring in other additional help, like the armed forces. Of course this lies with the Mayor. When the Mayor in May declared a curfew and he used proper tools, it was quelled and he was dealing with the inner city. I realize in the inner city we have many problems, social welfare and so forth, and these are problems that must be dealt with. But when we are having burnings and lootings and insurrection, and anarchy, or whatever you want to call it, we cannot stand idly by just because this situation exists.

Mr. ADAMS. Nobody mentioned that, and I have not suggested that, and that is why I said we can reach substantial agreement on major areas. I am talking about the fact that people are blaming problems of an entirely different new exploding crisis in a city on a system. I just think when you start trying to say if we put over Chief Layton a man with a different name, the problems he is going to face today and he faced yesterday in the city are not going to change. Therefore it is very questionable as to whether or not, whatever type of name you call it, a change at the top is going to solve the problem. I do not think it should be presented to the people of the city as a solution.

The CHAIRMAN. I dislike to disturb the gentleman, but we are now having a roll call on the floor of the House. We will continue these hearings at a later date. At this time I ask the reporter to insert certain communications in the record.

(The materials referred to follow:)

[Press Release, July 9, 1968]

POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C.

The members of the Policemen's Association of the District of Columbia have demanded that we issue a statement of our position in answer to the outrageous and ill-tempered resolution adopted by the Black United Front calling the execution of Officer Stephen Williams justifiable homicide. Our members are particularly incensed by the fact that the Vice Chairman of the City Council of the District of Columbia, Walter E. Fauntroy, a member of the Black United Front, has not repudiated the resolution.

The resolution was adopted by 150 militants and reached the front page of every newspaper in the City of Washington. It was not only a condemnation of the policeman who lost his life and of the other man who lies critically wounded and paralyzed in the hospital, but it was an effort to condemn the police department and all of its members. No decent law abiding citizen of any ethnic background can condone the execution of a policeman in cold blood while performing his duty as justifiable homicide. Therefore, the least that we can expect is to have a full and forthright repudiation, not only of the resolution but of its intentment. This Reverend Fauntroy has refused to do.

As a matter of fact, Reverend Fauntroy in his statement from the pulpit and to the press in condemning all killings has been critical of the police when they have found it necessary to use their guns in protection of their lives and the lives of others. For the death of Private Stephen Williams, three persons face criminal charges. A resolution such as adopted by the Black United Front and

concurring by Reverend Channing Phillips constitutes undue interference with the administration of justice in the same manner as Mayor Yorty of Los Angeles when he made public statements shortly after the assassination of Senator Robert Kennedy concerning an arrested suspect. This alone was sufficient for Reverend Fauntroy, as a member of the governing body of the District of Columbia, sworn to uphold and enforce the laws, to repudiate not only the resolution but the action of the Black United Front just as Mayor Washington and Public Safety Director Patrick Murphy did. This is the least that can be expected from a responsible official of the District of Columbia.

Moreover, Reverend Fauntroy in his statements has morally condemned the actions of members of our police department who have been compelled to take a life while carrying out their sworn duties. He has stated that such killings are not justifiable. How can a responsible official of the District Government override the decisions of the coronor's jury and the grand jury which in each case heard evidence and under the law made a decision. Or would Reverend Fauntroy, like his militant comrades, have our policemen walk the streets as targets for every discontented rabel rousing militant to shoot at. If this is what he wants, where are we to get recruits?

Therefore, we believe that his serving as Vice Chairman of the District of Columbia City Council and his continued affiliation with some other organizations represents a definite conflict of interest to the overall good and welfare of the city and we request that the President of the United States, the Mayor and other responsible persons to join with us in immediately calling for the resignation of Reverend Fauntroy from the City Council. We further request that the National Democratic Committee take appropriate action to the remarks made by Reverend Channing Phillips.

Our association has nothing but praise and admiration for our Mayor, the Chief of Police, and our Public Safety Director, in the statements they have made and support they have given us in this ordeal. We are hopeful that prompt action will be taken by the President of the United States with reference to the Vice Chairman, Reverend Fauntroy. We are convinced that the President in his recent message meant what he said: "We must have law and order and make our Nation's Capital a model city."

CAPITOL HILL SOUTHEAST CITIZENS ASSOCIATION, INC.,
Washington, D.C., July 27, 1968.

Hon. JOHN L. McMILLAN,
Chairman, House District Committee,
U.S. House of Representatives, Washington, D.C.

DEAR MR. McMILLAN: The Capitol Hill Southeast Citizens Association notes that HR 14430 has recently been before you for hearings. Is it the same as the Broyhill bill? That proposal was to bring the local police under Police Commissioner who will have control of all United States police in the various government buildings as well as those under jurisdiction of the District Building or Government.

Last spring, the organization discussed the Broyhill bill interested in similar legislation, and the Executive Board voted in favor of strengthening the police protection in the Nation's Capital, by placing all five police forces within the District of Columbia under someone connected with Congress such as a Police Commissioner.

At present, the police of the District Government do not have authority or instructions to protect Washington, D.C. Militants are demanding more and more control of the police which definitely endangers the welfare of the residents, taxpayers, and the distinguished foreigners who reside here, while representing foreign countries. Each day, the problems become more serious; the District Government has no authority to protect anyone.

This is the Nation's Capital with the United States Government owning over fifty percent of the land and extremely valuable government buildings. Law and order must prevail, and such a unified police force should consolidate and strengthen enforcement of the Law as well as protect government interests and the citizens of Washington, D.C.

Capitol Hill Southeast Citizens Association members are terrified at the present lack of law enforcement given by the District Police Department.

Sincerely yours,

ELIZABETH DRAPER, *Secretary.*

ANACOSTIA CITIZENS ASSOCIATION, INC.,
District of Columbia, July 29, 1968.

Hon. U.S. Congressman JOEL T. BROYHILL,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: I am fully in accord with your comments in reference to the Metropolitan Police Department of the District of Columbia. I do believe that the Police Department should be controlled by the Federal Government as Washington is the Nation's Capital. I have praise and respect for our Chief of Police John B. Layton for his achievements, he should have full control of the police without interference of a Safety Director.

When a policeman makes an arrest, he is on trial instead of the criminal, a criminal is immune from any acts of violence by militant groups. Legislation should be in progress to protect our policemen from being sued by militant groups for justifiable homicide.

Sincerely yours,

CHARLES J. PIPER, *President.*

The CHAIRMAN. The committee stands adjourned until the call of the Chair.

(Whereupon, at 12:16 o'clock p.m., the committee adjourned.)

(Subsequently the following letters were received for the record:)

POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA,
Washington, D.C., August 1, 1968.

Hon. JOHN L. McMILLAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN McMILLAN: Enclosed herewith is a copy of a statement released to the press by the Policemen's Association of the District of Columbia with reference to the attack by Mr. Bruce Terris of the District of Columbia Democratic Central Committee on Chief John B. Layton and the Metropolitan Police Department.

We respectfully request that this statement be made a part of the hearings on H.R. 14430 and H.R. 14448, bills to establish a Commissioner of Police for the District of Columbia.

Also, I am attaching herewith a copy of the press coverage by Mr. Terris. We believe this attack is further reason for favorable action on H.R. 14430 and H.R. 14448.

Respectfully yours,

JOHN L. SULLIVAN,
Chairman, Legislative Committee.

STATEMENT OF EXECUTIVE COMMITTEE OF THE POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA IN RE STATEMENT OF JULY 29, 1968, OF BRUCE TERRIS, CHAIRMAN OF THE DEMOCRATIC CENTRAL COMMITTEE BEFORE SUBCOMMITTEE OF THE CITY COUNCIL

The Executive Committee announces, after consideration of the statement of Mr. Bruce Terris, that Mr. Terris is incorrect in many of his charges and accusations. Mr. Terris' statement appears to be politically inspired and motivated, and many, if not all, of the accusations in regard to the police and in particular to the Chief of Police, John B. Layton, are inaccurate and not founded upon all of the facts.

Without attempting at this time to answer all of the allegations in Mr. Terris' testimony, this Association does feel compelled to take issue with the attack on Chief Layton. Furthermore, this Association deems it necessary to point out that Chief Layton has been responsible for many improvements within and outside of the Department, such as integration of scout cars, promotions of Negro officers to ranking officials, establishment of the Community Relations Unit, and other acts deliberately ignored by Terris and his committee.

Many of the advances made by the Department within the past several months have been advances which have been in the planning and preparation stage for

several years, and are directly attributed to the Police Department under Chief Layton. Chief Layton and Safety Director Patrick V. Murphy have stepped up these new procedures and they, together with the force, are responsible for the adequate handling of the April riots, a fact Mr. Terris is reluctant to admit.

Mr. Terris, by innuendo, charges police misconduct, but nowhere is he specific in his allegations. This Association decries the notion that neighborhood control of the police is a proper course of action. Indeed, it is a license for confusion and inefficiency. The examples cited by Mr. Terris are not valid, since none of the examples involved a quasimilitary organization which a police department is. To advocate a similar type of control over a military establishment would be unheard of, even by Mr. Terris.

[From the Evening Star, Washington, D.C., July 30, 1968]

TERRIS URGES LAYTON OUSTER—DEMOCRAT WANTS BLACK POLICE HEAD

(By Paul Delaney, Star Staff Writer)

The chairman of the District's Democratic Central Committee called yesterday for the ouster of Police Chief John B. Layton and criticized the City Council for failing to try experiments with neighborhood control over police.

The chairman, Bruce Terris, told the public safety committee of the City Council that he was speaking for the entire Central Committee.

Terris said that Chief Layton does not understand the Negro community in Washington. "Every effort should be made to find a black police officer in this or another city who is capable of assuming this important position," he told the committee.

He said that the Black United Front's proposal for community control over police should be tried in two of the city's fourteen police precincts.

Terris said that the Rev. Channing E. Phillips, recently elected Democratic National Committeeman for the District who is a leader of the Front, had approved the Central Committee Statements.

The public safety committee currently is seeking recommendations from the community to be made to the full council on Aug. 6 on police-community relations. Terris spent two hours with the committee.

After yesterday's meeting, councilmen refused to comment on the Democratic proposal. At one point, committee chairman William S. Thompson even refused to acknowledge that Terris had appear before his group.

Thompson promised to make a ruling by tomorrow on whether the press would be admitted to future committee meetings. Everything that has been presented to the committee so far has later been made available to the press.

COUNCIL CRITICIZED

Terris criticized the City Council for failing to institute changes in the police department, which the council is empowered to do.

"First, we must immediately start experiments with neighborhood control over the police," Terris told the committee.

"This is an untried and new idea. It might not work. It might produce far more citizen cooperation with the police and far better control of crimes or it might result in confusion and inefficiency."

"If law enforcement in this city were effective, it could be argued let's not try such bold new ideas, let's not take a chance. But we all know the present methods have been failing miserably for decades, here and all over the country. It is imperative that promising new ideas be tried."

Terris said after the meeting that black control of police in their community might prevent another Cleveland situation, where white policemen were ambushed last week. Three officers died.

"People regard the police as the enemy," he commented.

WANTS A BLACK CHIEF

Regarding Layton, Terris said not only has the chief failed to understand the Negro community, "he has failed in other areas, like how to get a better and more efficient police department and in modern police practices." Terris recommended that a black chief be named to replace Layton, but added that "there are many white officers, even within the department, who would be better than Layton."

Terris accused Layton of resisting reform recommended by crime studies. He went on:

"He has seriously interfered with imposing strict discipline to prevent police misconduct . . . This city needs a police chief who understands the community, including the black citizens who constitute a majority of its population. It needs a chief who is fully committed to citizen involvement in decisions relating to law enforcement and to maintaining discipline over police officers mistreating the public.

"For these reasons it is essential that Chief Layton be replaced. Every effort should be made to find a black police officer in this or another city who is capable of assuming this important position."

ATTACKS COUNCIL RESTRAINT

Terris said the council's role does not end with the holding of public hearings. He said bold steps are needed in the area of the police.

"For too long the council has failed to exercise leadership in this vital field. Police misconduct goes on and the council has done nothing. Reforms are interfered with and the council has done nothing."

Terris said community control over police would be similar to community control in other areas. He cited community control over the Morgan Elementary School as one example.

The Democrats accepted several other BUF proposals, including a plan to have a citizen-elected board exercise control over police. Terris said such citizen boards would choose the precinct captain from a list submitted by the Civil Service Commission.

The board would also choose patrolmen from those in the department or from civilians meeting department standards; order from the precinct officers guilty of misconduct (the front's plan calls for firing of such officers), and would establish all policies for law enforcement in the neighborhoods, subject only to a vote by the mayor or City Council.

PARTY HAS GREATER DETAIL

The Democratic proposal went into far greater detail than the front's proposal, thus representing an expansion of the militants' idea.

The Democrats urged replacing the present system of police trial boards, where police judge their own, with an independent civilian hearing examiner named by the mayor; using the internal investigations unit aggressively to discover police misconduct against private citizens just as it now works to find other kinds of police misconduct; revitalizing the Police Complaint Review Board; publicizing activities of the board, and changing the coroner's inquest to provide a fair procedure for all parties, such as allowing an attorney for the victim's family to present and cross-examine witnesses.

Further, the Democrats recommended that black officers be promoted as soon as possible to deputy chief; black civilians should be brought into the department at high levels; the police-community relations unit should be given real responsibilities instead of being "window-dressing in an effort to pacify the black community"; all future police recruits should be required to live within the District; gun regulations should be written to clearly forbid the use of weapons by police except when his life or that of another citizen is immediately threatened or when a suspect has committed a felony and is armed and there is a substantial risk he will cause bodily harm if apprehension is delayed, and use of tear gas should be forbidden during disturbances, except when absolutely necessary.

BLACKS OPPOSE POLICE

Terris cited several statistics to show that police-community relations are deteriorating. He said the District Crime Commission survey two years ago showed that over 80 percent of the Negroes in the city believed over half the police department would have to be replaced to get a good department.

Also, over half thought that District police enjoyed giving people a hard time; 60 percent of the black men believed that police discriminated and half of those believed this included rudeness and brutality; and the National Crime Commission found that 46 percent of the white officers were prejudiced against Negroes.

While calling for the ouster of Layton, Terris praised Safety Director Patrick V. Murphy as "one of the very few outstanding police leaders in the country."

"He has promoted black officers for the first time to the rank of inspector and appointed a black officer as director of police-community relations," Terris stated. "Recruiting of black citizens for the department has been emphasized so that in June over 50 percent of the recruits were black."

[From the Washington Post, July 30, 1968]

OUST LAYTON FOR NEGRO, DEMOCRATIC CHIEF SAYS

(By Robert F. Levey, Washington Post Staff Writer)

The chairman of the District's Democratic Central Committee yesterday called for the dismissal of Police Chief John B. Layton and urged that citizens in two police precincts be given a chance to appoint and control their own police.

Testifying before the City Council's subcommittee investigating police-community relations, Democratic Chairman Bruce Terris urged that Layton's replacement be a Negro, and chided the Council for doing "nothing . . . for too long" on what he called abuses of police power.

Neither Chief Layton nor subcommittee chairman, William S. Thompson would comment on Terris' remarks.

Terris, who said he was speaking for the whole Central Committee, specifically asked the subcommittee for elected boards that would:

- Choose the captain of each precinct from Civil Service Commission rolls.
- Choose officers who are already policemen other duties or members of the community who could meet entrance standards.

Have the power to fire policemen who are found guilty of misconduct.

- Establish policies for the neighborhood that could be overridden only by the Mayor or the City Council.

These proposals have already been advanced by the Black United Front. The Front has been holding community meetings on the proposals. The Rev. Channing E. Phillips, an official of the Front and the District's Democratic National Committeeman, approved Terris's statement, Terris said.

CRITICIZES PRESENT SETUP

Terris did not specify in his testimony which two precincts he thought should first be controlled by citizens. He rejected the idea of immediate citywide citizen control "since (it) . . . it being tried for the first time."

He stressed that his plan "might produce far more citizen cooperation with the police and far better control of crime."

"We all know that present methods have been failing miserably for decades," Terris said. "Black citizens are not going to be persuaded to support the police by Madison Avenue advertisements or bumper stickers. They must have a real say in law enforcement activities in their neighborhood."

Terris asked that police trial boards be abandoned and that the Civilian Review Board be revitalized. The police Internal Investigations Division should also investigate complaints of police brutality, he said.

Terris also called for future police recruits to be required to live in the District, and asked that present officers with the rank of captain or above move into the city within two years.

Gun regulations, Terris testified, should "clearly forbid" police shooting at citizens "when the suspect if merely suspected of stealing an automobile or cigarettes." He said that the policemen involved in the recent shooting of Theodore Robert Lawson "have grossly misused their power" and should be fired "whether or not they are indicted."

Chief Layton, Terris said, have given only "lip service to improved community relations." He has "failed almost completely to carry out the recommendations of the D.C. Crime Commission concerning community relations" and has "never understood the black community," Terris said.

The City Council, too, "has failed to exercise leadership in this vital field," Terris said. He called on the Council to hold public hearings on the issue as soon as possible.

The subcommittee's hearings have been closed to the public and the press. Chairman Thompson said yesterday his subcommittee would consider on Wednesday whether to make the hearings open.

OPEN LETTER

DISTRICT OF COLUMBIA POLICE WIVES ASSOCIATION, INC.,
Clinton, Md., July 30, 1968.

Chief of Police JOHN B. LAYTON,
*Metropolitan Police Department,
 Washington, D.C.*

DEAR CHIEF LAYTON: On behalf of every member of the District of Columbia Police Wives Association we want you to know you have our unanimous and whole hearted support in your difficult post as the head of one of the most outstanding police departments in the nation. We know that this is the feeling of the 4300 members of the Policeman's Association of the District of Columbia.

As recently as July 3, 1968, President Johnson said "Washington's Policemen are among the Nation's finest. In the critical hours of unrest and violence which gripped the city they performed most difficult missions . . . the backbone of law enforcement in each of our communities is the policeman on the beat. In no city of America is this more true than in the District of Columbia." Mayor Walter E. Washington and Public Safety Director Patrick V. Murphy, have been unstinting in the praise of the Metropolitan Police Department and your leadership of it.

The Metropolitan Police Department is one of the finest in the nation. It has been unmarked by the scandals which have racked the police departments in other cities. This is to your credit.

You have broken new ground in race relations. 10 years ago 10 percent of the police force were Negroes. Today the figure is 23 percent. Police Captains Owen Davis, Robert N. Hough have been made Inspectors, the first time that Negroes have been given this high rank. Acting Captain Herbert S. Taylor, a Negro has been appointed head of the community relations division and will shortly be given the permanent rank of captain in the police force. Police Captain Tilmon B. O'Bryant was raised from the rank of Detective and made head of the 13th police precinct.

In the face of the brilliant leadership you have given the Metropolitan Police Department, the attacks upon you by the members of the Democratic Central Committee of the District of Columbia, elected May 7, 1968, have reached incredible heights, culminating in (one) the resolution written by the Reverend Channing E. Phillips, that the killing of white policemen is "justifiable homicide" and (two) the call by Bruce Terris, the chairman of the District of Columbia Democratic Central Committee yesterday for your dismissal.

We are astounded that at no time has Bruce Terris and the Reverend Channing Phillips praised you or mentioned one word about your leadership of the finest police force in the nation.

The Negro Community as well as the White community did not vote the members of the Democratic Central Committee into office on May 7, 1968 to wage a campaign of harassment, intimidation and hysteria against the Metropolitan Police Department of which our husbands are members.

The D.C. Police Wives Association hereby publicly announces that we will raise with the credential and platform committees at the Democratic National Convention, basic questions regarding the qualifications of the members of the Democratic Central Committee and their campaign of harassment, intimidation, and hysteria against the Metropolitan Police Department and you personally.

President Johnson, Vice President Humphrey, Senator Eugene McCarthy, and the Democratic party have always stood for law and order, and for support of the police.

On October 22, 1967, the Communist Party, U.S.A., issued a position paper which laid down the line that Negroes should "police their own communities." As reported in the New York Times from the Daily Worker, the position of the Communist Party was "we support the demand that black people police their own community . . . there can be no question of the right of black people in the United States to use violence to achieve change." (see Letters column, *Sunday Star*, July 28, 1968).

There is a startling similarity between the position of the Communist Party and the positions which have been adopted by the Democratic Central Committee under the Reverend Channing E. Phillips, D.C. Democratic National Committeeman and Bruce Terris chairman of the D.C. Democratic Central Committee. We believe the Democratic convention must answer this question, "Is it 'justifiable homicide' to kill white policemen?"

Respectfully,

Mrs. JOAN ABBOTT, *President.*

CC: President Johnson, Vice President Humphrey, Senator Eugene McCarthy, Members of the Congress, Senate District Committee, House District Committee, Mayor Walter E. Washington, Public Safety Director Patrick V. Murphy, Honorable John W. Hechinger, D.C. City Council, Honorable William S. Thompson, Chairman subcommittee on police community relations, Honorable John M. Bailey, Chairman Democratic National Committee, Press, radio, T.V.

PLEDGE OF SUPPORT TO CHIEF LAYTON

AUGUST 2, 1968.

HON. JOHN B. LAYTON,
Chief, Metropolitan Police,
Municipal Center, Washington, D.C.

DEAR SIR: We, the undersigned, protest the intemperate demand of Bruce Terris, Chairman, Democratic Central Committee, that you resign. We hereby pledge you our wholehearted and enthusiastic support for your continued leadership as head of the finest police department in the nation.

On July 3, 1968, President Johnson said, "Washington's policemen are among the Nation's finest. In the critical hours of unrest and violence which gripped the city, they performed most difficult missions. The backbone of law enforcement in each of our communities is the policeman on the beat. In no city in America is this more true than in the District of Columbia."

You are nationally and internationally recognized as the head of one of the finest police forces in the world—unstained by scandal and special privileges. During your years as our Police Chief, negro police officers have been given new opportunities. They have been raised to rank of Inspector for the first time and have been made Captains of police precincts. The number of negro police has increased from 10% to 23%.

Bruce Terris and the Rev. Channing E. Phillips have said, "It is justifiable homicide to kill white policemen." Under their leadership the District of Columbia Democratic Central Committee has taken the same position of the Communist Party, U.S.A., which, as reported in the Letters Column of the Sunday Star Newspaper of July 28, 1968, declared on October 22, 1967, "We support the demand that black people police their own community. There can be no question of the right of black people in the U.S. to use violence to achieve change."

We will make every attempt to bring these issues to the attention of the American people and the delegates to the Democratic National Convention in Chicago who must answer the question, "Is it justifiable homicide to kill white policemen?"

Sincerely yours,

(Signed by) Nicholas B. Addams (by permission), Chairman of Citizens Advisory Council, Precinct No. 3; Ethel W. Loveless, (Past Chairman of Citizens Advisory Council), Chairman of Executive Board, Citizens Advisory Council, Precinct No. 3; Catherine H. McCarron, President (by permission), Dupont Circle Citizens Association; and 93 individual petitioners.

[Article in the Washington Post, July 6, 1968]

SLAYING OF POLICE DEFENDED—BLACK UNITED FRONT CALLS IT 'JUSTIFIABLE'

(By Leon Dash)

The Black United Front issued a statement yesterday describing the slaying of a District policeman Tuesday night as a "justifiable homicide."

The statement said, in part:

"The methods of self defense used by the family charged with the alleged slaying of the honky cop is justifiable homicide in the same sense that police are allowed to kill black people and call it justifiable homicide."

Several hours later, Mayor Walter E. Washington asserted that "the BUF resolution with respect to the slaying of Officer (Stephen A.) Williams . . . is inflammatory, irresponsible and unfortunate."

"If this community is to thrive and prosper, it must do so within the framework of law," the Mayor said in a brief statement. "As citizens, we must continue to work together—black and white, policeman and civilian—so that law and order, with justice, will be the code for all."

The Mayor declined to elaborate on the statement, which was issued after a two-hour meeting with his principal aides.

Director of Public Safety Patrick V. Murphy called the Black United Front's resolution "very dangerous" and "not well-founded" in a statement recorded by WTOP-TV last night.

He said the resolution could not "help but be inflammatory," and he said he did not think that it spoke for "any significant number" of citizens.

Murphy asserted that Police Department evidence suggests nothing like justifiable homicide and that anybody with different evidence has a responsibility to come forward.

"I think it's tragic that such a statement should be made concerning a policeman who has given his life protecting other citizens," Murphy added.

The BUF statement was adopted unanimously Wednesday night by "about 450" persons at a meeting at Douglas Memorial Church, 11th and E Streets ne., according to Charles Jones, a co-chairman of the Front.

The BUF was formed last January as a civil rights coalition of moderates and militants by Stokely Carmichael, now its other co-chairman.

Williams, 22, and his partner, Pvt. Frederick L. Matteson, 38, who was critically wounded, were shot in a struggle with a robbery suspect, the latter's son and the suspect's wife.

Both officers were shot with their own revolvers in the 1300 block of Columbia Road nw. about 8 p.m. after attempting to arrest Johnnie White, 38. White, his son Dwayne, 19, and his wife, Ethel R. White, have all been charged with homicide.

The Rev. Channing Phillips, the Democratic National Committeeman from Washington and a member of the board of the BUF, was asked whether he approved of the Front's statement.

"Well, I was there and the vote was unanimous," Mr. Phillips said. "Both the officer and the citizen deserve protection from the system that provides for the deaths of both."

Mr. Phillips said that some people were getting "hung up" on the language of the statement. But when dealing with the problems of extreme deprivation, he said, extreme language is used to express hostility.

"The attempt to police the community from the outside," Mr. Phillips said, "produces hostility from the person policed."

"The officers, historically, have not seen the black citizen as a human being," he added.

The Rev. Walter E. Fauntroy, vice chairman of the City Council and a member of the board of the BUF, said he had not read the statement and had no comment. Mr. Fauntroy said he would issue a statement today.

C. Sumner Stone, a BUF board member, former assistant to Adam Clayton Powell and once editor of the Washington Afro-American newspaper, said he was not present when the BUF statement was drawn up and would not comment.

Asked if there was any division between Negro moderates and black militants within the group, co-chairman Jones said the resolution was passed at a duly notified and called meeting.

"When we have a unanimous vote," Jones said, "the Front takes a position itself."

"When there is a majority vote," he said, "the Front requires those in the minority" not to oppose the decision publicly.

Criticizing the role of the press Jones said "the problem with the white community in understanding what goes on in the black community is its apparent need to identify and play up divisiveness."

TEXT OF RESOLUTION ON SLAYING OF POLICE

This is the resolution the Black United Front passed Wednesday night:

Resolution in support of the black family accused of the alleged slaying of a honky cop by the Black United Front.

Whereas the black community knows from history that police are controlled by whites and come into the black community to suppress rather than protect black people: whereas the black community knows and recognizes from its history that police do not regard the lives of black people and have killed black people under the guise of justifiable homicide and have been allowed to do so because black people have no meaningful say so in their being hired or fired and these cops have no interest in the black community; whereas the black community needs systems of control and protection from oppressive elements; be it resolved that—

1) The methods of self-defense by the family charged with the alleged slaying of the honky cop is justifiable homicide in the same sense that police are allowed to kill black people and call it justifiable homicide.

2) The police assigned to the black community be placed under the control of the black community.

3) The society face up to its responsibility to remove a colonial, racist system which make such events possible.

Black people have resolved that this change will occur by any means necessary to preserve both freedom and comfort.

WASHINGTON, D.C., May 21, 1968.

Hon. JOHN L. McMILLAN,
Chairman, House District Committee,
2208 House Office Building, Washington, D.C.

DEAR CONGRESSMAN McMILLAN: I am writing as a law abiding citizen of Washington, D.C., on the matter of police protection. Last month it was the riots and just Thursday, May 16th, one capital transit bus driver was killed and a half dozen others were robbed while working the same evening; and now another demonstration about to take place, the Poor Peoples March.

I understand you have introduced a bill to combine all of the five Police Forces in the city and give them all the same arresting power so that citizens could be better protected. Wouldn't this be better than closing some of the Police Precincts in the city which we need. What has happened to your bill? Has the District Committee considered your bill so it could be passed at this session of Congress? Your bill should be passed, at least I hope it will be, the sooner the better.

Thanking you again for having the interest of this city and especially the protection of all its good citizens.

Very truly yours,

Mrs. AGNES MONAHAN.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, January 22, 1968.

Hon. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
United States House of Representatives, Washington, D.C.

DEAR MR. McMILLAN: The Government of the District of Columbia has for report H.R. 14430 and H.R. 14448, identical bills, "To establish a Commissioner of Police for the District of Columbia."

The purpose of this legislation, stated by one of its sponsors, Congressman Broyhill (113 Cong. Rec. H16901, daily ed. December 13, 1967), is to consolidate the five separate police forces now operating in the District of Columbia; i.e., the Metropolitan Police, United States Park Police, Capitol Police, White House Police, and National Zoological Park Police. These forces would all be under the complete jurisdiction of a Commissioner of Police appointed for a four-year term by the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly. A nine-member advisory commission would also be appointed by the Speaker and President pro tempore.

The District of Columbia Government is strongly opposed to the removal of the Metropolitan Police Department from the municipal government. A police department is an integral part of any municipal government, with its services subject to coordination with those of all municipal agencies. This coordination, in the District of Columbia as elsewhere, is essential to the well-being of all the

citizens. Therefore, reasons for the District's opposition to this legislation include the following:

1. The bills in effect divide responsibility and weaken the ability of the Government of the District of Columbia to provide comprehensive protection and services for people living in the District.

2. If enacted the legislation would cause conflict and confusion between Police operations and closely related services in crime control, including the functions of education, corrections, welfare, and traffic control.

3. It would result in a major reversal in the trend toward citizen participation and involvement in District Government affairs provided under Reorganization Plan No. 3 of 1967.

4. The bills would create waste and inefficiency through requiring duplication of supporting services, such as personnel, purchasing, and computer equipment by setting up a costly overhead organization duplicating many existing support services in the D.C. Government.

5. Considerable coordination of the Police functions (involving all entities covered by the subject bills) with other related functions such as Civil Defense, Fire Protection, Corrections, the Courts, and the Attorney General is accruing through the District of Columbia Director of Public Safety.

The foregoing reasons are sufficient for the Government of the District of Columbia to strongly recommend against the enactment of H.R. 14430 and H.R. 14448. Additional information is being developed and will be sent to you later.

I have been advised by the Bureau of the Budget that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

(S) Walter E. Washington,
WALTER E. WASHINGTON,
Commissioner.



COMMISSIONER OF POLICE

TUESDAY, OCTOBER 1, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The Committee met, pursuant to notice, at 10:00 a.m. in Room 1310, Longworth House Office Building, Hon. John Dowdy (Acting Chairman), presiding.

Members Present: Representatives Dowdy (Acting Chairman), Adams, Nelsen, Broyhill and Gude.

Also present: James T. Clark, Clerk; Hayden S. Garber, Counsel; Sara Watson, Assistant Counsel; Donald Tubridy, Minority Clerk; and Leonard O. Hilder, Investigator.

Mr. Dowdy. The Committee will come to order.

We have had some hearings previously on the bills H.R. 14430 and H.R. 14448 to establish a Commissioner of Police for the District of Columbia. These hearings will be continued this morning.

I notice the District of Columbia Police Wives' Association is represented here this morning by Mrs. Barbara Newman. She was also present but was not reached at the other hearings. Mrs. Newman, if you will come around we will be glad to hear from you now.

STATEMENT OF MRS. BARBARA NEWMAN, VICE PRESIDENT, DISTRICT OF COLUMBIA POLICE WIVES' ASSOCIATION, INC.

Mrs. NEWMAN. First of all I would like to say that our Association is in favor of the House of Representative bills H.R. 14430 and H.R. 14448.

It is a privilege to be here this morning as the representative of our District of Columbia Police Wives' Association in support of H.R. 14430 and H.R. 14448.

POLICE MORALE

The men of the Metropolitan Police Department are in a state of uncertainty and confusion with regard to policies. I wish to quote from the President's Commission on Crime in the District of Columbia, Report on the Metropolitan Police Department, dated July 16, 1966:

"The state of the police officer's morale bears heavily on the nature of his contacts with citizens, the vigor of his efforts to apprehend criminals, and the integrity with which he approaches his job.

"The Commission concludes that morale in the Metropolitan Police Department is poor, as reflected in the repeated, far-ranging grievances expressed by the rank and file. Some members of

the force blame the courts and the community; dissatisfaction is registered with citizen apathy, community toleration of vice activities, failure to raise children properly, and judicial decisions freeing known and dangerous criminals. Greater dissatisfaction, however, is expressed with the Department itself. Complaints about the poor caliber of leadership, the quality of equipment and facilities, and unrealistic training and promotion practices are heard over and over again. The men of the Metropolitan Police Department enter into police service with a desire to serve the community as efficiently and fairly as they can. However, their quality and potential are gradually eroded as their period of service lengthens. The impact of low police morale, poor supervision, poor equipment, lack of leadership and inadequate training will affect police-community interaction and lead to a general estrangement of the community from the police. Such a state of affairs can produce nothing other than mutual distrust and lack of confidence."

This was the state of affairs in July of 1966 and, as the Commission predicted, it has led to general estrangement of the community from the police and produced distrust and lack of confidence. The situation has not bettered itself since 1966, but has grown more acute.

Our interpretation of morale as Police Wives is the mental and emotional state of the individual with regard to confidence and enthusiasm.

One of the greatest weapons that can be used against man is utter discouragement. Its use can cause despondency, lack of interest, and bring about a feeling of total disrespect and lack of pride. This weapon of discouragement is being used effectively against the Policemen of the Metropolitan Police Department. In the months since April, the discouragement of the men of the Department has become increasingly more apparent. They are used by the press in the choice of articles that appear in print, they are reviled and belittled by militant pressure groups, and are sacrificed by the District Government to appease these pressure groups.

There is a general feeling among the men that the City Council is not giving them their full support. In a letter dated August 3, 1968, addressed to our Association. Chairman John W. Hechinger of the City Council told us, "We have sought the considered opinions of experts in many fields to help the community to understand the need for good police-community relations." Members of this subcommittee, as an example of the experts whose opinions were sought by the City Council, I wish to read a copy of a letter our Association sent to Chairman Hechinger, September 5, 1968.

Mr. Dowdy. That letter will be made a part of the record.

Mrs. NEWMAN. Shall I read it?

Mr. Dowdy. That will not be necessary; we will incorporate it in the record at this point.

(The letter follows:)

AN OPEN LETTER TO ALL D.C. CITY COUNCIL MEMBERS

SEPTEMBER 5, 1966.

The Honorable JOHN W. HECHINGER,
Chairman,
D. C. City Council,
14th & E. Streets,
Washington, D. C. 20004.

DEAR MR. HECHINGER: We charge that the D.C. City Council has made a major contribution to the deterioration of police-community relations. This is proved by a little-noticed report in the *Washington Post* of September 2, 1968, (page B 4) in a 2-column article titled "Columbia U. Rebel Is D.C. Researcher." The *Post* reported, in part, as follows: "Jonathan D. Schiller, 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer. A 6-foot, 5-inch exponent of the New Left, Schiller threw his considerable bulk between the police and the Columbia demonstrators, an experience he brought to bear recently when, as a research assistant for the D.C. City Council, he helped prepare its report on police-community relations . . . Now a \$100-a-week summer intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council. For two weeks, with his Columbia experience still fresh in mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department. 'The Columbia riots taught me a lot about power,' he said. 'And working here has enabled me to get a perspective on the art of power and that a real citizen influence is necessary. It gives me an awareness of when and under what conditions it will be feasible.' The image of a 'Columbia rebel' may clash with that of the municipal Bureaucrat hunched over a desk shuffling papers into oblivion, but Schiller, articulate as usual, has an answer. 'A radical or extremist probably considers summertime work in city government an exercise in futility,' he conceded. 'But my job with the Council has been educational and productive. I've learned something.'"

We thought, and certainly we, as well as the rest of the community were led to believe from earlier newspaper and radio-TV reports, that the City Council's study on police-community relations has been prepared by the members of the Council's Public Safety Committee. These members are William S. Thompson Chairman, Margaret A. Haywood, Polly Shackleton, Rev. Walter E. Fauntroy, John A. Nevius, and yourself as an *ex officio* member. Whatever Mr. Schiller may consider he has learned about the "art of power," we think this *Washington Post* article, shocking and revealing as it is, clearly calls for decisive action by the City Council.

We are demanding that you (1) publicly identify the sections of the City Council's 43-page report on police-community relations on which Mr. Schiller worked, and those he contributed to; and (2) issue a completely frank and open report on the extraordinary circumstances surrounding the hiring of this "Columbia U. Rebel." Please bear in mind that this 43-page report is not a mere student's thesis on "the art of power" and citizen control of the police.

Mr. Schiller, an avowed "radical or extremist," has successfully included some novel proposals clearly acceptable to the Black United Front, but not to Public Safety Director, Patrick V. Murphy who has totally rejected a number of recommendations in the report. The City Council should have consulted experts personally in preparing its report. Its use of a self-admitted "radical or extremist" such as Mr. Schiller to do its work seems to vitiate this 43-page report.

In the *Federalist Papers*, Alexander Hamilton called for a "check upon a spirit of favoritism" which would "prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachments, or from a view to popularity." Clearly, such a check is desperately needed in the City Council. May we hear from you?

Sincerely yours,

D. C. POLICE WIVES' ASSOCIATION, INC.

Mrs. NEWMAN. We feel that the appointment of a Commissioner could eliminate appointment of such unqualified persons to a position of such importance where the Police Department is concerned. This was one of the points I wished to bring out by the letter.

RESTRICTIONS ON POLICE

In some recent rulings the police have found their hands tied. It is no longer permissible for an officer to remove from the streets of the District on a disorderly conduct charge a man using the obscenest of language to a woman and her children. What responsible man would not feel revulsion for the use in front of a woman and small children of language too vile to be repeated? There are certain types of perverts who get their kicks from such an oration of filth and obscenity.

It is no longer permissible to remove from the streets of the District alcoholics who constantly clutter the city's beautiful parks. Alcoholism is, of course, considered a disease, and these persons are usually in a state of noncomprehension, spending every penny they can beg, borrow, or steal on alcohol. They are increasingly becoming more of a nuisance to the public. An officer must ask such a person to go to the Alcoholic Rehabilitation Center, but if he refuses he must be left on the street, a danger to himself and to society. Something needs to be done to increase the facilities for rehabilitation and to make it necessary for such persons to be sent to these centers with or without their consent.

We have in this city at this time approximately 3,000 Metropolitan Policemen, and every day there are enough arrests to fill a book, but the press chooses to print front page stories about the wrong actions of policemen, while buried somewhere on the back pages in usually small articles appear the seldom printed stories of a policeman's apprehension of suspects. In many instances where officers apprehend suspected criminals and there are witnesses to the crime, they will not come forward to testify for fear of their lives, or because the number of court appearances involved in a single case is much too time-consuming.

Former Vice President Nixon stated a few days ago, "At last count there were some 2,000 cases backed up in the court of General Sessions. Men walking free on probation are responsible for many of the crimes taking place in the city. An identical situation obtains in Juvenile Court." Obviously witnesses fear for their lives from criminals who are immediately released on personal bond and later probation, and this is a major reason for their reluctance to come forward. However, let policemen become involved and there are plenty of witnesses to tell the most conflicting stories in regard to the officer's actions.

Back many months ago the amount of equipment and uniforms was insufficient, and although the Department has acquired some equipment, the number of recruits has caused the shortage to remain.

Personnel files of the Department are open to the public by order of the D.C. Code, Section 4-135. Anyone so desiring may glean from these files such information on a policeman and his family as contained therein. This leaves the policeman's family target for harassment by phone or visit. Since it is a matter of changing the D.C. Code only Congress can change this fact. It would be a relief to an officer not to have to worry about his family being harassed in his absence.

SUPPORT OF LEGISLATION

All the points we have touched on here are sources of discouragement to the men and bring the morale down. The men feel that a strong

Congressionally appointed Commissioner will bring the Department above the influence of the pressure groups and the criminal element that is asserting itself in our Nation's Capital. They feel that a Commissioner will help to alleviate many of the previously stated conditions that are causing discouragement and poor morale.

We know of no other city where there is a similar division of the Police Forces into major segments such as exists in the District of Columbia. No other city would tolerate such a fragmented Police Force. The experience with Resurrection City is illuminating in this regard. The Park Police and the Metropolitan Police could not enter Resurrection City to enforce the law. The result was a reign of lawlessness unparalleled in our history. Among the reasons was jurisdictional conflict. It was not until the Congress demanded that the reign of lawlessness at Resurrection City be ended that steps were taken to brush aside any jurisdictional line and the Park and Metropolitan Police worked smoothly and efficiently together to end the terror. A Police Commissioner, head of all the forces in the city, could act decisively and immediately in crises.

Unification of the Police Forces in Washington is just as essential as unification of the military forces of the Nation was, which led Congress to establish the Department of Defense.

A strong Commissioner would bring about uniform policy, uniform training, and a closer working relationship among all the District forces. Washington is a Federal city and should have uniform policies for all its police forces. It is saddening and disheartening to Americans for their Nation's Capital to rank 19th in serious crime among cities in our country. Not a very good example to be sure.

Uniformity would bring about greater professionalization of all Metropolitan forces of the District, better morale and greater respect for the men.

We feel that under a Commissioner, Congress would see that sufficient funds would be appropriated to fill the Department's needs for uniforms, equipment, and men and insure that the Department is one of the most up-to-date and efficient in the country. It would also make the Police budget separate and distinct from that of the city and insure pay raises for the men in line with the current cost index.

Because it seems to reflect the thoughts and feelings of many officers I would like to read a letter of resignation to the Department from a veteran officer of 11½ years. It was printed in the August issue of the Policemen's Association News.

Shall I read this letter, sir?

Mr. DOWDY. We will include it in the record at this point.

Mrs. NEWMAN. All right.

(The letter follows:)

JULY 15, 1968.

To: Commanding Officer, Special Operations Division.

Subject: Resignation.

After much serious soul searching I have reached a decision to tender my resignation at the earliest date convenient to the Department. I have made this decision due to the recent turn of events in this city. I feel that the so-called "Leadership" of this city with the inflammatory statements made recently by several pressure groups directed individually and collectively at members of this Department, with the tacit approval of the Vice Chairman of the City Council, and the defense of Mr. Fauntroy by Mr. Hechinger.

I have no intention to remain in an atmosphere permissive of unlawful acts, justified by supposedly responsible people who claim to be civic leaders, who in effect are followers of the crowd, mouthing statements popular to the rabble in order to maintain their own personal popularity or give vent to their prejudices.

I have vainly waited for some rebuttal of the Black United Front from this Department other than the Policemen's Association, but apparently we also are without leadership.

I am not impressed by the derogatory statements or the inaction of leadership. This will all pass with time. What will not pass is the ineffectual leadership so dominant throughout this city, that not even one responsible party has the courage to rebut the statements. All that is put forth are excuses and idiotic justifications for the wording. This is supposed to be for the good of the community. Good for the Black resident of the ghetto? These are the people who suffer most from lawlessness. Good for the Middle class citizen? Black and white, he is fleeing to the suburbs, or living behind locked doors in constant fear.

I am unable to see any change for the better in the near future and in plain talk "I'm getting out while I'm still in one piece".

It is with deep regret that I have reached this decision but I must follow my own convictions no matter what the cost. My only thought in rebuttal to the Justifiable Homicide statement is, if the killing of a Human Being in the course of carrying out an unpopular or unfavorable task is termed justifiable then all people in authority had best beware, and when Government agrees, even tacitly, Civilization as we know it has signed it's Death Warrant.

PATRICK J. SULLIVAN,
Private, Special Operations Division.

Mrs. NEWMAN. We thank you for the consideration you have shown us this morning and we want you to know that we deeply appreciate the sympathetic understanding and support which the members of this committee and of the Congress, Democrats and Republicans alike, have always given the Metropolitan Police Department of Washington, D.C. Thank you.

Mr. DOWDY. Thank you, Mrs. Newman, for your statement.

Of course the reason for these bills being introduced, it appears that police powers vested in separate organizations under separate control are not working out as they should and we feel a unified police would do a better job.

You mention the press and so forth. Part of it seems to have a vested interest in riots and so on because it gives them something to put on the front page. In the Chicago disorders it was stated that television cameramen got a young woman to come before their cameras and run up to the police and scream "police brutality" so they could have something to show on their television programs. This is unfortunate. As a result of this they encourage and actually promote, in effect, troubles that otherwise would not occur.

Reports continually come to us from people whose stores were looted in the April riots here that the police told them they were under orders not to make arrests of these looters and arsonists. Do you know anything about that?

Mrs. NEWMAN. I know they were allowed to arrest the men and as a result thousands were arrested.

Mr. DOWDY. This was when the riots first started?

Mrs. NEWMAN. Yes.

Mr. DOWDY. At least one person told me he stood in front of his store and requested the police to make arrests and they refused to do so.

Mrs. NEWMAN. Was this when the trouble began on 14th Street? At that time they thought it could be contained in a small area and they cordoned off the area at that time.

Mr. DOWDY. And they were told not to make arrests?

Mrs. NEWMAN. I could not say definitely, sir.

Mr. DOWDY. You touched in your statement on Resurrection City. I understand the police were ordered not to enter Resurrection City and make arrests.

Mrs. NEWMAN. I understood Resurrection City had a sort of vigilante force of their own that was supposed to take care of lawlessness or whatever you have, but as a result there was an extreme amount of lawlessness.

Mr. DOWDY. Thank you.

At this point in the record, we will insert the statement and petition of the Police Wives United, in support of the pending legislation.

(The documents referred to follow:)

GENTLEMEN OF THE COMMITTEE: We, the members of Police Wives United support the bill of Rep. Joel T. Broyhill for the following reasons:

1. This Capitol City of all citizens of the United States needs and deserves the finest police force in the world.
2. Recently we have witnessed in the newspapers and on radio and television attacks on the police department from various political organizations in which they have proposed various controls that should be exercised over the Police Department. Their slanted proposals take none of the views of the average law-abiding citizens—Black or White. The average citizen is not interested or qualified in policing the police.
3. The D.C. Police because of their unique situation of enforcing federal law along with local ordinances (D.C. Code) have long deserved the recognition and status of federal officers.
4. In summation we believe that since Washington, D.C., is a federal city that the men who are called on to protect the city should also be under federal rule. Local politics (welfare, social problems, schools, etc.) are not problems created by the police. If we the law abiding citizens do not make every effort in support of this proposal we feel that our Nation's Capitol might well be prepared to face a time of mob rule.

We the members of Police Wives United are circulating a petition gaining public support for the passage of this proposal.

POLICE WIVES UNITED.

POLICE WIVES UNITED,
P.O. Box 122, Lanham, Md., August 1, 1968.

Representative JOEL T. BROYHILL,
House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE BROYHILL: We enclose herewith the petitions in support of HR 14430 in the hope that the members of the House District Committee can understand the difficult situations under which these petition signatures were gathered.

We met with the problem of lack of cooperation by the news media to publicize the locations where the petitions were available for signature. In many instances we were told that "the issue was too controversial for public service announcements, but it could be handled as a news item." After releasing the information as a news item we found, *as usual*, that the item wasn't "newsworthy" enough.

Also, understandably, many men were reluctant to let their wives collect petition signatures in the Washington, D.C., area for fear of their safety. We feel it is essential to inform you that the response from the people contacted netted almost a one-hundred percent response. Many of these people came forth with their own story of having lived in the District of Columbia and of having to move because of their own personal fear for life and property.

There are still petitions due to be mailed directly to your office from various other states. Since the Nations' Capitol belongs to all of us in the United States, we should all be concerned with its problems. Thus, we have mailed to friends and relatives copies of this petition and have asked their support.

The Nations' Capitol should be a model for each and every state. It is very important that the Police Departments in Washington, D.C., be maintained by a governing body that would allow the Police Departments to function at their greatest capacity in enforcing the law and protecting the public. We do not feel

that this can be accomplished with the "citizen control and pressured influence" under which the departments are now being operated.

We sincerely urge the members of the House District Committee to lend their support to the passage of this bill. It is of extreme importance to us and to every law-abiding citizen, not only in the District of Columbia, but all over the United States.

Sincerely,

POLICE WIVES UNITED.

POLICE WIVES UNITED, BOX 122, LANHAM, MARYLAND

The undersigned petitioners hereby request the passage of HR 14430, a proposal sponsored by Representative Joel T. Broyhill, regarding the establishment of a Commissioner of Police for the District of Columbia and the consolidation of all District of Columbia Police Departments under this Commissioner.

NAME

ADDRESS

Mrs. Evelyn Brennan
And others.

P.O. Box 122, Lanham, Md.

Mr. Dowdy. The next witness is Mr. Nash Castro, Regional Director of the National Capital Region, National Park Service.

STATEMENT OF NASH CASTRO, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, ACCOMPANIED BY CHIEF GRANT WRIGHT, PARK POLICE

Mr. CASTRO. Good morning, Mr. Chairman and members of the committee. Before I proceed I would like to present my associate, Chief Grant Wright of the Park Police.

Mr. Chairman, and members of the Committee, I am Nash Castro, Regional Director of the National Capital Region, National Park Service. I am appearing today on behalf of the Secretary of the Interior, in opposition to H.R. 14430 and H.R. 14448. As Regional Director, I am charged with the responsibility for administration of the park system of the District of Columbia, and outside the District of Columbia, areas such as the George Washington Memorial Parkway, Suitland Parkway, Baltimore-Washington Parkway, the C & O Canal, Prince William Forest Park, Fort Washington, Piscataway Park, Greenbelt and others. There are 1,590 permanent personnel in my Region, including the Park Police, which has an authorized force of 363. Fifty-five of the 363 police positions represent new positions authorized in the current fiscal year. However, because of current employment restrictions we are not able to fill them.

The management duty vested in the National Park Service would be difficult, if not impossible, of attainment with Park Police responsive to a Commissioner who may inevitably address himself substantially to problems of crime and law enforcement, who may have objectives different from park management. For this reason, the Department opposes enactment of H.R. 14430 and H.R. 14448.

From its inception in 1791, at the time when "watchmen" were authorized for the purpose of protecting public grounds in the District of Columbia, the Park Police have become a force having responsibilities both within and outside of the District of Columbia, and under certain conditions, to the enforcement of regulations for areas administered by other Federal agencies. No other unit mentioned in the two bills before you had similar duties or authority.

The function of Park Police is primarily connected with the administrative needs of parks, of interpreting the parks and upholding the law. Within the District of Columbia this concern involves nationally significant areas such as the Mall, Washington Mounment, Lincoln Memorial and Jefferson Memorial—functions such as the Independence Day celebration, Watergate concerts, the Torchlight Tattoo, President's Cup Regatta, special events on the Mall and numerous other occasions requiring a particular responsiveness to varying park uses. It should also be noted that, within the District, Park Police have the same arrest authority as the Metropolitan Police.

The function of the Park Police often goes beyond that of law enforcement officers. Visitors and residents alike rely on these men and women to have particular knowledge of our Nation's Capital and events in the Federal area that forms a focus of national interests and visitation.

As stated in the Departmental Report, the District Police assist the National Park Service in meeting its obligations to the people of the United States.

This, too, is true both within and outside of the District. It must be apparent that the extent, both geographical and functional, of Park Service involvement requires a force instantly responsive to administrative needs, in the National and local interest. Motorized policing of the various parkways for the safety of visitors and commuters, to horseback interpreter in the Central Mall area are two examples of this scope of activity.

Park Police, then are an effective arm and management tool of the National Park Service, and there should not be any insulation permitted which in any manner affects the efficient execution of their mission in this capacity.

The United States Park Police is a unique organization. It is the only Federal Park Police Force in the United States and has behind it a great and proud tradition of public service.

I am deeply concerned that the legislation under consideration would make it awkward for park management to assign operational responsibilities to the Park Police, if, in fact, its administrative alignment were changed.

Mr. Chairman, Members of the Committee, I shall be pleased to answer any questions you may have.

Thank you, sir.

Mr. Dowdy. Thank you, Mr. Castro.

Chief Wright, do you have a statement?

Chief WRIGHT. No, sir.

Mr. Dowdy. We will insert into the record at this point a letter to Chairman McMillan from the Interior Department on his legislation. (The letter referred to follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 27, 1968.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: There is pending before your Committee H.R. 14430 and H.R. 14448, identical bills, "To establish a Commissioner of Police for the District of Columbia."

We recommend that the bill not be enacted.

The bill establishes the office of "Commissioner of Police in the District of Columbia" as an independent office in the District of Columbia Government. The Police Commissioner would be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate. The bill also establishes a 9-member Police Commissioner Advisory Commission which would be appointed by the Chairmen of the House and Senate Committees on the District of Columbia.

The bill transfers to the Police Commissioner certain functions, powers, and duties, including those of the Secretary of the Interior with respect to the United States Park Police in the District of Columbia. Notwithstanding disclaimers regarding continuation of police duties, as presently defined, contained in section 2(5)(d), the bill would transfer to the Police Commissioner certain functions, powers, and duties, including those of the Secretary of the Interior with respect to the United States Park Police in the District of Columbia. In this respect, we believe that the provisions of the bill are not adequate since there is no clear recognition that the function of the Park Police is an extension of the function of the National Park Service.

The jurisdiction of the United States Park Police in the District of Columbia includes the enforcement of Federal regulations applicable to Federal park areas and the monuments and memorials of transcendent national significance that are administered by the Federal Government as part of the National Park System. In addition, the jurisdiction of the United States Park Police with respect to law enforcement extends beyond the boundaries of the District of Columbia to Federal park areas and, under certain conditions, to areas administered by other Federal agencies.

The United States Park Police must be primarily available for and responsive to the demands imposed upon the National Park Service by virtue of administration and interpretation of areas for the visitor to the Nation's Capital. Those responsibilities stem from specific duties given the Secretary by the Congress.

Park Police responsibility in this regard, therefore, transcends law enforcement. Park Police are expected to have knowledge of the National Capital Park System which will permit them to convey interpretive information, as well as such knowledge of the mission of the National Park Service that their actions assist the National Park Service in meeting its obligations to visitors and residents alike. Thus, the added dimension of the Park Police, as part of, and responsive to, the agency administering this important focal point of visitation in the National Park System should be patent.

For these reasons we believe it would be inappropriate to place the United States Park Police under the District of Columbia Government.

We also note that section 2(c) of the bill requires the Police Commissioner to make recommendations directly to the Congress for legislation to make the police forces under his jurisdiction subject to the same provisions for appointments, promotions, dismissals, compensation, retirement, and similar matters. Inasmuch as the compensation and promotion of United States Park Police are governed by the District of Columbia Police and Firemen's Salary Act of 1958 (72 Stat. 480), as amended, (D.C. Code, sec. 4-823 *et seq.*), we believe no great disparity exists between the police forces in such matters.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

CLARENCE F. PANTZKI,
Deputy Assistant Secretary of the Interior.

Mr. DOWDY. I have often wondered who made the decision to turn the park over to this Resurrection City crowd that came in here, when was it?

Mr. CASTRO. In May and June.

POLICING RESURRECTION CITY

Mr. DOWDY. In May, but that is past now. I am curious about one thing, though, who in the world was it that agreed that the police

would not go in that Resurrection City and would let them do as they pleased? Who issued that order?

Mr. CASTRO. Mr. Chairman, I do not believe such an order was issued. I don't recall issuing such an order and I am sure the Chief didn't issue such an order. Under the permit issued to the Southern Christian Leadership Conference they were to provide marshals to do their own policing, but this did not preclude the National Park Police or the Metropolitan Police from coming on the scene. I don't know how the story got abroad that the Park Police or the Metropolitan Police could not come on the scene. This is not so and certainly no order was issued to that effect.

Mr. DOWDY. This was what happened, was it not?

Mr. CASTRO. I don't think so, Mr. Chairman. There were many occasions when the Park Police went in and made arrests where necessary.

The impression is also current that the Park Police were instructed not to make arrests in Resurrection City. This is not true, sir. We certainly did not instruct our Park Policemen not to make arrests in Resurrection City. We asked them to use judgment and restraint, but they were not told not to make arrests.

Mr. DOWDY. One of the judges, I forget who it was, made the comment he was amazed that such an instruction was given. Actually, they set up an independent country which governed itself within the United States. Of course if there was not an order or a tacit understanding, it was amazing to me that such a rumor got out, if it was a rumor.

Mr. CASTRO. The closest thing we came to was an understanding—not an instruction—to the Park Police, because of the explosive nature of this exercise, that they must use the best judgment they had ever used in their lives and also must be somewhat restrained, and we think that decision was correct.

Mr. DOWDY. You said you knew it would be an explosive situation?

Mr. CASTRO. It could have been, sir.

Mr. DOWDY. Now, knowing that why was a permit issued in the first place?

Mr. CASTRO. Because this was a determination that was made by officials in addition to or higher than myself. It was a determination made jointly by a number of the interested agencies in the District, including the Interior Department, the National Park Service, the Justice Department, and the District of Columbia Government. This was not a unilateral decision. It was a joint decision made by a number of agencies that have responsibilities within the city.

Mr. DOWDY. And knowing the explosive nature of the situation, that decision was made anyway?

Mr. CASTRO. I made the allusion to explosiveness unwisely. It was potentially explosive but the decision was made to grant the permit and again I say this was not a unilateral decision.

PERMIT FOR RESURRECTION CITY

Mr. DOWDY. Could you give us for the record a copy of the agreement you had with the Southern Christian Leadership Conference?

Mr. CASTRO. Yes, indeed.

Mr. DOWDY. Thank you. It will be made a part of the record at this point.

(The agreement follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
NATIONAL CAPITAL REGION,
1100 Ohio Drive, S.W., Washington, D.C. 20242, May 10, 1968.

Rev. BERNARD LAFAYETTE, Jr.,
National Coordinator,
Washington Poor People's Campaign,
1401 U St., N.W.,
Washington, D.C. 20009.

DEAR REV. LAFAYETTE: Pursuant to the provisions of 36 CFR 50.19, permission is granted the Southern Christian Leadership Conference ("Permittee"), 334 Auburn Avenue, N.E., Atlanta, Georgia:

(a) for the purpose of setting up and maintaining tents and appurtenant temporary structures designated by Permittee as "Resurrection City, U.S.A.", for the use of not more than 3,000 persons, to use that portion of park land in the District of Columbia which is an area west of 17th Street, N.W. and north of west-bound Independence Avenue to be agreed upon by the staffs of Permittee and the National Park Service and marked by stakes placed in advance by the National Park Service, said area being referred to herein as "Area A";

(b) for the purpose of holding meetings, to use the paved platform on the west terminus of the Reflecting Pool and the steps leading down to said platform daily from 7:00 p.m. until 12:00 Midnight, said area being referred to herein as "Area B";

(c) for the purpose of installing a display, consisting of not to exceed six (6) facilities such as a rural type dwelling and appurtenances and used trailers or buses, which facilities shall be maintained solely for display and shall not be occupied as living quarters, to use an area adjacent to the Smithsonian Institution to be agreed upon by the staffs of Permittee, the Smithsonian Institution and the National Park Service, said area being referred to herein as "Area C."

This permit is granted in response to Permittee's application of May 10, 1968, for certain purposes of the demonstration designated by Permittee as the "Poor People's Campaign." This permit covers the areas designated and the activities described herein and is issued subject to all of the conditions enumerated herein.

1. This permit shall take effect as of 8:00 a.m., on Saturday, May 11, 1968, and shall remain in effect until 8:00 p.m. on Sunday, June 16, 1968.

2. Permittee shall provide in advance a general layout and construction plan for Area A for review by the National Park Service for adequate compliance with health and safety standards and shall proceed in accordance with said plan as approved by the National Park Service. Permittee shall install the structures in Area A in a neat and orderly plan beginning at the westernmost edge of Area A and moving eastward in a reasonably compact pattern. Permittee shall maintain the premises in accordance with applicable health and safety standards and shall facilitate periodic inspection of structures and facilities by appropriate health, safety and fire authorities of the National Park Service and of the District of Columbia to insure maintenance of such standards.

3. Permittee shall provide toilet, bathing and washing facilities and shall provide for the disposal of sewage from such facilities by making connection with available sewage lines. Permittee may connect into available water, communication and electric facilities. All utility connections shall be at the expense of Permittee. Permittee shall comply with the requirements of the National Park Service and of the District of Columbia regarding the construction and maintenance of such connections. Permittee shall arrange for the installation of necessary utility meters at its expense. Payment to suppliers for utility services shall be the responsibility of Permittee.

4. Permittee shall hold the United States and the District of Columbia harmless in the event of the death of or injury to any person or the destruction of or damage to any property, not arising out of acts of the Indemnitees' employees or agents.

5. Ingress to and egress from Area A by vehicles necessary to serve said area and the parking of such vehicles shall be at locations designated by the National Park Service.

6. Permittee may install fences within and around Areas A and C. The design of exterior fencing shall be subject to the approval of the National Park Service.

7. No firearms, weapons, explosives, or incendiary materials, and no fossil-fueled lanterns or open fires shall be permitted in the designated areas.

8. Upon cessation of the use of the designated areas under this permit, Permittee shall remove all facilities installed by or for it and shall restore the areas to their prior condition, reasonable wear and tear of the turf excepted. To guarantee compliance with this requirement, Permittee shall deposit \$5,000 in cash with the National Park Service or shall execute an undertaking in the amount of \$5,000 with two sufficient sureties satisfactory to the National Park Service or to furnish a contractual commitment therefor satisfactory to the National Park Service.

9. Permittee shall provide sufficient medical personnel and facilities to insure first aid and the maintenance of adequate medical care.

10. Permittee shall provide marshals, appropriately identified in sufficient numbers to maintain good order, but this shall not limit, impair, or otherwise interfere with the authority of law enforcement agencies in the exercise of their responsibilities.

11. Permittee shall cause garbage and refuse of all kinds to be stored in covered, fly- and vermin-proof receptacles to be provided by Permittee, and Permittee shall be responsible for daily removal thereof, at its expense.

12. In the event Permittee desires to use other park areas during the term of this permit or to request an extension thereof, the issuance of permits will be considered in good faith upon the receipt of specific requests therefor. However, Permittee may make use of areas for appropriate forms of recreation in sites designated by the National Park Service for that purpose.

13. Any loud-speaking equipment used will be so adjusted as to be audible only to those people in the immediate area.

14. Permittee shall keep the designated areas in a reasonably neat and clean condition, taking into account the purposes for which they are assigned. Permittee may plant flowers and shrubs in Area A for the enjoyment of the participants. No existing trees and shrubs may be disturbed.

15. No livestock may be stabled or kept in the designated areas.

16. This permit does not authorize any activity or conduct by Permittee or participants in violation of applicable laws or regulations. The National Park Service reserves the right to revoke this permit at any time in the interest of public safety and the general welfare.

17. The rules and regulations set out in 36 CFR Part 50, a copy of which is attached hereto as Exhibit "A" shall be applicable to Permittee and participants to the extent not inconsistent with the express provisions of this permit.

Upon the acceptance of the conditions contained in this letter, indicated by the signature of Permittee in the space provided and the return of the carbon copy properly executed to this office, this letter becomes a permit for the purposes described.

Sincerely yours,

NASH CASTRO, *Regional Director.*

Accepted And Agreed To This 10th day of May, 1968.

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE,
BERNARD LAFAYETTE, JR.,

National Coordinator of Washington Poor People's Campaign.

Director, Washington Bureau, Southern Christian Leadership Conference.

NAACP LEGAL DEFENSE EDUCATIONAL FUND, INC.,
LEGAL SERVICES COMMITTEE POOR PEOPLES CAMPAIGN,

711 14th Street, N.W., Suite 601, Washington, D.C., May 10, 1968.

Re Application for Permit.

Mr. NASH CASTRO,

Regional Director, National Capital Region, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. CASTRO: The undersigned of the NAACP Legal Defense and Educational Fund, Inc., as counsel for the Southern Christian Leadership Conference, hereby applies for a permit for use in connection with the Poor Peoples Campaign and the establishment of and maintenance of "Resurrection City, U. S. A." pursuant to 36 C.F.R. 50.19 of Code of Federal Regulations, as follows:

Name of applicant: Southern Christian Leadership Conference.

Time: 8 a.m. on Saturday May 11, 1968, until 8 p.m. on Sunday, June 16.

Place of proposed event: An area west of 17th Street, N.W. and north of west-bound Independence Avenue to be agreed upon by the staffs of the applicant and the National Park Service.

Estimate of number of persons expected to attend: 2,000-3,000.

Statement of equipment and facilities to be installed by applicant for use in connection therewith: Pre-fabricated shelters; sanitary facilities; water; electricity; telephone, connection to existing sewers for waste disposal; etc.

We shall be available to furnish such additional information as you may require in the processing of this application.

Very truly yours,

FRANK D. REEVES,
Chairman, Legal Services Committee.
LEROY D. CLARK

Of the NAACP Legal Defense and Educational Fund, Inc., as Chief Counsel for the Poor People's Campaign of the Southern Christian Leadership Conference.

OTHER PERMITS GRANTED

Mr. DOWDY. Mr. Castro, there is another thing that came up recently about other permits and the committee has had complaints about the Park Service issuing permits for these demonstrators, whether hippies or whatever they are, to set up a tent on "P" Street.

Mr. CASTRO. Yes, sir.

Mr. DOWDY. It was indicated that the group wanted to set up a tent along the Mall like Resurrection City, but this was refused and a permit was granted for them to set up a tent on "P" Street. Is this correct?

Mr. CASTRO. A permit was granted to an organization for a demonstration last Saturday afternoon on "P" Street. This is an area open for demonstrations in the Park System. This permit was issued in accordance with our policy and regulations.

Mr. DOWDY. Can you tell me when a policy was established to open up areas for purposes of demonstrations?

Mr. CASTRO. I don't know how far back this goes but we have certain areas in the Park System that are closed to demonstrators and certain areas that are open. The "P" Street area happens to be one that is open.

Mr. DOWDY. Is there something in the Federal regulations to that effect that has been published in the Federal Register?

Mr. CASTRO. It is a part of the Code of Federal Regulations, Part 50, Section 36.

Mr. DOWDY. Part 50?

Mr. CASTRO. Part 50, Section 36. I am sorry, it is CFR 36, Part 50.

Mr. DOWDY. You gave them a permit to set up a tent, is that right?

Mr. CASTRO. Our Superintendent of the Central National Parks did that but I take the responsibility for it.

Mr. DOWDY. I understand they plan to hold other meetings at Dupont Circle.

Mr. CASTRO. Permits are not required there. Dupont Circle is an open area. If they wanted to have a demonstration in Lafayette Park they would need a permit, and many times we have refused to issue permits for Lafayette Park and for other closed areas as well.

Mr. DOWDY. Are there any rules and regulations at all as to what kind of demonstrations they can hold in these open places you referred to?

Mr. CASTRO. All the regulations prescribed for the administration of the parks obtain in regard to any demonstration permit that is issued. The regulations are pretty extensive. They cover practically every situation. For example, they cannot under permit or otherwise do things that could be irregular or immoral or otherwise out of character, but demonstrations within the Park System have been authorized long before I appeared on the scene, sir.

Mr. DOWDY. Information has come to me that at Dupont Circle they have marijuana parties on occasion.

Mr. CASTRO. I don't know about that. I know on occasion our police have made a number of arrests for drug traffic at Dupont Circle, as they have in other places.

Mr. DOWDY. Mr. Nelsen.

Mr. NELSEN. I notice that the site of Resurrection City has not been restored. It looks like a part of my farm. When will you start restoring that area?

Mr. CASTRO. The work was started on restoring the area the afternoon the people of Resurrection City were evicted. Within two hours after their eviction the work on restoration was begun. We have resodded 12 acres of that area and we have quite good looking turf there now. I believe the part you are referring to is the part close to Independence Avenue, and there we are taking advantage of the availability of top soil to fill in the area. We have had a problem there for years. During heavy rains, bogs develop there and we are taking advantage of the availability of top soil to fill that in.

COSTS OF RESTORING CAMP SITE

Mr. NELSEN. Is there any estimate of the cost of restoring the area which was occupied by Resurrection City?

Mr. CASTRO. We spent \$35,000 restoring the turf. We spent \$71,795 dismantling the structures and hauling them out and storing them. We recovered \$5,500 from the sale of lumber. We have the \$5,000 they deposited in lieu of bond. We have asked the Southern Christian Leadership Conference to reimburse us for our \$71,795. They have not responded and as of September 25 I turned the matter over to the Department Solicitor for action.

Mr. NELSEN. Did the government buy that lumber?

Mr. CASTRO. No, they furnished that lumber themselves. We merely dismantled the structures built with it and stored it at Fort Belvoir until it was sold. We recovered \$5,500 from the sale of the lumber and are holding that amount in a trust fund.

Mr. NELSEN. How did you happen to sell the lumber, if it wasn't yours?

Mr. CASTRO. It was sold with the concurrence of the Southern Christian Leadership Conference, and it is on deposit in a trust fund pending the settlement of the whole issue.

Mr. NELSEN. Where was the lumber purchased?

Mr. CASTRO. Mr. Nelsen, I would judge some of it was purchased locally. I honestly don't know. They hauled it in themselves and constructed the structures with it.

Mr. NELSEN. That is all.

Mr. DOWDY. I read something in the newspapers—of course I don't know the facts of the matter—that the Southern Christian Leadership

Conference is planning to sue the government for the recovery of the money the lumber was sold for and also for their \$5,000 deposit. Is that correct?

Mr. CASTRO. Mr. Chairman, I have no way of knowing what they plan because we have had no communication with them in respect to that. We have asked them to reimburse us for the cost of dismantling the structures and hauling away and storing the lumber.

Mr. DOWDY. Have you asked them for reimbursement for restoring the turf?

Mr. CASTRO. We have not. Our lawyers felt that came within the provision of the permit covering normal wear and tear.

Mr. DOWDY. \$35,000 worth of normal wear and tear?

Mr. CASTRO. Yes, sir.

Mr. DOWDY. There is a statue in the area that was damaged, was there not?

Mr. CASTRO. The D.C. War Memorial was defaced by some of the participants in the exercise and it cost \$200 to restore it.

Mr. DOWDY. Have you asked them to reimburse you for that?

Mr. CASTRO. Yes. That represents part of the \$71,795 claim we have against them.

Mr. DOWDY. Could you furnish us a statement of the expenses incurred in connection with this Resurrection City exercise?

Mr. CASTRO. I will be delighted to, sir.

Mr. DOWDY. And the amount of reimbursement, if any, so far. That would be at most \$10,500.

Mr. CASTRO. We will be glad to, Mr. Chairman.

(The information follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., October 8, 1968.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During the continuation of hearings by your Committee on H.R. 14430 and 14448, "To establish a Commissioner of Police for the District of Columbia," National Park Service Regional Director Nash Castro, the witness for the Department of the Interior, was asked to supply certain information to the Committee for the record.

Mr. Castro was first asked to provide a copy of the permit which was granted by the Interior Department to the Southern Christian Leadership Conference for the Poor Peoples' Campaign. We understand that Mr. Castro supplied a copy of this document on October 1. Mr. Castro was also requested to provide a statement of expenses incurred by the Government as a result of the demonstration, including costs incurred by the District of Columbia Department of Traffic and Highways and by the General Services Administration. That statement is enclosed herewith.

During the hearing, Mr. Castro referred to authority for the granting of such a permit by the Department, and for the regulation of the activities of the permittee. A copy of Title 36 of the Code of Federal Regulations was requested by Mr. Dowdy. Section 50 of that title is enclosed and, as you have noted, reflects a revision of the regulations since the Committee copy of CFR was issued.¹

We hope this information will assist the Committee, and we appreciate the opportunity to supplement our testimony. Please inform us if any further information is required.

Sincerely yours,

(Sgd) FRANK E. HARRISON,
Assistant to the Director.

Enclosures

¹ These regulations are reprinted in the Appendix, pp. —.

NATIONAL PARK SERVICE
NATIONAL CAPITAL REGION

TOTAL EXPENDITURES INCURRED IN CONNECTION WITH POOR PEOPLE'S CAMPAIGN
5/11-7/31/68 (FINAL)

RESURRECTION CITY

	Additional expenses, overtime, holiday pay, etc.	Regular time expenses	Total
Police costs.....	\$121,903	\$23,086	\$144,989
Engineering costs to lay out site.....	178		178
Subtotal.....	122,081	23,086	145,167
JUNE 19, SOLIDARITY DAY MARCH			
Police costs.....	\$7,700	\$1,327	\$9,027
Cleanup of area after march.....	2,930	2,650	5,580
Subtotal.....	10,630	3,977	14,607
DISMANTLING OF STRUCTURES AND RESTORATION OF AREA			
National Park Service costs.....			\$60,335
GSA costs (includes storage and transfer of property).....			29,482
DC Highway Department costs (dismantling, hauling, storing, grading).....			26,009
Subtotal.....			115,826
Grand total.....			+275,600

Mr. Dowdy. We also have some figures from the District of Columbia Government, of their costs, and other pertinent information, which we will insert into the record at this point.

(The material referred to follows:)

COSTS TO THE DISTRICT OF COLUMBIA OF THE POOR PEOPLE'S
CAMPAIGN

[As summarized by the Government of the District of Columbia, Finance Office, July 8, 1968]

Agency or department	Total cost, week ending June 29	Prior reported costs	Total cost through June 29, 1968
General Administration.....		\$100	\$100
Death investigations.....	\$157	1,286	1,443
Metropolitan Council of Governments.....	916	1,692	2,608
Buildings and Grounds.....	752	270	1,022
Corporation Counsel.....	640	5,376	6,016
Metropolitan Police.....	193,414	338,870	532,284
Fire Department.....	856	15,810	16,666
Civil Defense.....	954		954
Juvenile court.....	881	9	890
Court of general sessions.....	4,937	1,214	6,151
District of Columbia Bail Agency.....	44	274	318
Department of Corrections.....	50,509	3,561	54,070
Licenses and Inspections.....	337	523	860
National Park Service, National Capital region.....	7,176	246,082	253,258
Public Health.....	4,813	63,789	68,602
Public Welfare.....	10,151	2,233	12,384
Highways and Traffic.....	31,130	6,523	37,653
Motor Vehicles.....	66	134	200
Sanitary Engineering.....	32	10,145	10,177
Washington aqueduct.....	40	986	1,026
Total.....	307,805	497,877	805,682

¹ Cost related to the death of 1 of the Poor People at the Department of Agriculture.

² In addition it is estimated that \$106,516 in Federal funds have been spent to date.

This does represent the major cost to the District of Columbia for the Poor People's Campaign. However, we have estimated that there will be some additional cost as follows:

Department of Corrections..... \$3, 600
National Park Service..... ¹ 20, 333

¹ Also it is estimated that they will need additional Federal funds amounting to \$40,667.

The following indicates the types of expenses incurred through June 29, 1968:

	Amount	Percent of total cost
Regular staff time spent.....	\$376, 734	46. 8
Overtime costs.....	371, 473	46. 2
Equipment.....	15, 912	2. 0
Patient treatment.....	9, 957	1. 2
Meals for jail inmates and working staff.....	9, 394	1. 1
Child care.....	5, 644	. 7
Transportation ¹	4, 685	. 6
Meals for policemen.....	4, 468	. 5
Supplies, including gas and oil.....	4, 283	. 5
Miscellaneous.....	3, 132	. 4
Total.....	805, 682	100. 0

¹ Represents payment to Travelers' Aid for transportation of indigent nonresidents to their homes. The Department will be reimbursed for this expense from private sources.

The following Agencies and Departments did not report any cost either direct or indirect for the Poor People's Campaign:

Alcoholic Beverage Control Board
Administration of Parole Laws
Administration of Insurance Laws
Administration of Wage, Safety and Hour Laws
Filing and Recording of Property and Corporation Papers
Public Service Commission
Planning and Zoning
Metropolitan Area Transit Commission
Board of Appeals and Review
Commissioner's Youth Council
Office of Community Renewal
Commissioner's Council on Human Relations
Metropolitan Area Transit Authority
Board of Elections
Occupations and Professions
Public Library
Veteran's Affairs
Office of the Surveyor
D.C. Court of Appeals
D.C. Tax Court
U.S. Courts
Legal Aid Agency
National Guard
Public Schools
Washington Technical Institute
Federal City College
Recreation
National Zoological Park
Vocational Rehabilitation

No attempt has been made to pro-rate the cost to the Executive Office or the City Council for the Poor People's Campaign.

This is the sixth report. Since the Poor People's Campaign has ended we will consider this to be the final report relative to the cost of the Campaign.

AN EDITORIAL BROADCAST BY WMAL/AM/FM/TV, BROADCAST DURING THE WEEK
OF MAY 5, 1968

BONDS FOR DEMONSTRATIONS

We again urge that Congress pass legislation requiring that bonds be posted to cover possible damage caused by demonstrators within the District of Columbia.

Such legislation was opposed this week before a House subcommittee by Assistant Attorney General Stephen Pollak. Pollak argued that such legislation might violate the First Amendment guarantee of peaceable assembly and the right to petition Congress for redress of grievances. Pollak contended that poor people might be deprived of these rights simply because they could not afford to post bond.

Constitutionality is, of course, a matter for courts to decide. We note, however, that no large demonstration can be organized without substantial money. The estimated cost of the so-called Poor People's Campaign is \$2 million. The amount of bond to be posted should certainly be scaled to the size of a demonstration.

Furthermore, Congress has the Constitutional responsibility to ensure the general welfare. Destruction of property—public or private—is certainly not in the general welfare.

OPINION OF CORPORATION COUNSEL RE PARTICIPATION IN POOR PEOPLE'S CAMPAIGN

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF CORPORATION COUNSEL,
Washington, May 10, 1968.

To: WINIFRED G. THOMPSON, Director, Department of Public Welfare.

From: CHARLES T. DUNCAN, Corporation Counsel, D.C.

Subject: Request for Corporation Counsel's Opinion: Participants in the "Poor People's March."

By memorandum, dated April 30, 1968, you inquired concerning the granting of public assistance, of various types, to the participants in the "Poor People's March". Due to the pressures of time and the desirability of responding to your inquiry as quickly as possible, we have not given the questions posed a detailed legal analysis and are, therefore, providing you at this time primarily with our conclusions in order that you may prepare to meet the demands upon the Department of Public Welfare posed by the forthcoming March. Since most requests for assistance during this period will be made by those applying for regular public assistance, about which you inquired in Question 1-c of your memorandum, we shall deal first with that issue.

Question 1-c: *Regular Public Assistance Programs.*

In Question 1-c you inquired whether the Department of Public Welfare may authorize assistance and services for persons who make application for one of

the regular public assistance programs because they are in need, are not receiving public assistance from any other state, and would appear to continue to be in need for an indefinite period, or for as long as they may continue to reside in the District of Columbia. A primary consideration in evaluating the responsibility of the Department of Public Welfare to applicants for regular public assistance is the recent decision by the United States District Court for the District of Columbia in the case of *Minnie Harrell, et al v. Walter E. Washington, et al*, in which the District Court enjoined the Department of Public Welfare, among other things, "From refusing to process any application for Aid to Families with Dependent Children, Aid to the Blind, Aid to the Permanently and Totally Disabled, or General Public Assistance made to the District of Columbia Department of Public Welfare or in any way denying public assistance in any of the forementioned categories of aid to any resident of the District of Columbia solely for the reason that such person has not resided in the District of Columbia for a period of one year."

It is important to note that although the District Court by its decree eliminated the durational requirement of one year's residence as a prerequisite to the granting of public assistance, it did not eliminate the residence requirement itself. In fact, in referring to the question of whether a state could constitutionally confine the benefits of its public assistance program to its own domiciliaries, the Court said:

"We also are not called upon to decide this question, for it is not disputed that the plaintiffs are bona fide domiciliaries of the District who came for reasons disassociated from the desire to obtain relief not elsewhere available."

Thus, it is clear that the residence requirement applies to all applications for regular public assistance albeit that the duration of such residence may, based upon the District Court's decision, no longer be a blanket one year.

This interpretation of Section 3-203 of the District of Columbia Code in the light of the recent District Court opinion is reinforced by several considerations. First, there is no indication that Congress, in enacting the public assistance provisions of the District of Columbia Code, intended that the District assume the burden of rendering public assistance to anyone who was present in the District regardless of whether or not such person resided therein. Secondly, applying a practical approach to the question, it would make no sense to permit a resident of another state to come to the District, have himself placed on the welfare rolls and subsequently returned to his home state, which would be a consequence of eliminating the residence requirement in its entirety. Lastly, it must be acknowledged that the primary obligation of the Department of Public Welfare is to the bona fide residents of the District of Columbia which is necessitated by the limited resources available to meet the needs of all persons requesting public assistance.

It is thus clear that the Department of Public Welfare, in evaluating applications for regular public assistance, must apply the requirement that the applicant be a resident of the District of Columbia. The term "residence" has been defined by the courts of this jurisdiction to be "the place of abode, a dwelling, a habitation, the act of abiding or dwelling in a place for some continuance of time. To reside in a place is to abide, to sojourn, to dwell there permanently or for a length of time. It is to have a permanent abode for the time being, as contradistinguished from a mere temporary locality of existence." Residence has been considered not only to be the personal presence of one in a place but an attachment to the place by those activities or habits which express the closest connection between a person and a place. It is a place where an individual actively dwells and ordinarily has his home; the place where his wife and children reside, a fixed and permanent abode or dwelling place and more than a place of mere sojourning or transient visiting. The establishment of a home of some permanence with all its attendant characteristics such as the presence of family and household effects is evidence of the establishment of residence. In evaluating the location of the residence of an individual, the expression of intent to make a particular abode his home, as well as the duration of time during which he has resided there, are factors to be considered.

In applying this guideline of residence to potential applications for public assistance by those participating in the "Poor Peoples March", it may be concluded that one who moves into an apartment of a friend or relative, bringing with him his family and household possessions, and manifests an intention to remain, may, upon meeting other requirements, be considered a resident for welfare purposes. However, if an applicant is encamped in so-called "Tent City",

occupying Federal property under a permit with an expiration date, such an applicant would be considered a visitor and as such not a resident and, therefore, not entitled to assistance. Each applicant, of course, will have to be evaluated in terms of the definition of resident in the light of his particular factual circumstances.

Question 1-b: *Emergency Assistance Programs.*

In Question 1-b you inquired whether the Department of Public Welfare is authorized to provide assistance to those participants in the "Poor Peoples March" who make application for one of the Department's emergency assistance programs because they are faced with such crises as: lack of food, clothing, shelter, or medical services. It is to be noted at the outset that the Department of Public Welfare Handbook Release No. 149, dated April 25, 1968, Supplement 6, Family Emergency Services Program, Part II, sets forth the eligibility requirements which, among others, includes the requirement that the family must be domiciled in the District of Columbia. The foregoing analysis of the residence requirement may also be applied in the instance of applications for family emergency services since the requirement of domicile is even more stringent than of residence, requiring the showing of an intent to make his residence in a particular place permanent.

A second factor which will narrow the demands upon the Department for emergency assistance is that the applicant must show that he has exhausted the other facilities available to meet his emergency needs. Since a number of other agencies and groups in the community are being established to provide food, housing, medical and other vital services, the Department should ask each applicant for emergency assistance whether and to which other groups he has applied for aid. If all other resources have, in fact, been exhausted, and if an individual were nonetheless in genuine need of crisis assistance for food or other vital services, it is my understanding that the Department would, out of humanitarian considerations, render emergency services to the extent of its resources.

Question 1-d: *Temporary Assistance for Families with Unemployed Parents.*

In Question 1-d you inquired whether the Department of Public Welfare may authorize services and assistance for persons who apply for Temporary Assistance for Families with Unemployed Parents by virtue of the fact that they are employable, but unemployed, and in need. The existing eligibility requirements of the Department of Public Welfare in Handbook Release No. 66, of December 10, 1965, Supplement 3, Temporary Assistance for Families of Unemployed Parents, Part IV, includes certain requirements which might serve to disqualify applications for such assistance by participants in the "Poor Peoples March". Among such requirements are the following:

1. That the applicant be registered with the U.S.E.S. and have evidence of application at the District of Columbia Work Training and Opportunity Center, established under Title V of the Economic Opportunity Act.
2. That the applicant apply for unemployment compensation benefits.
3. That the applicant be the head of the household in which there is at least one child under 18 years of age, or under 21, if attending a school or university.

There are other requirements for such assistance, however, the ones listed are especially applicable to participants in the March.

Question 2: *Child Welfare Services Program.*

In Question 2 you inquired whether the Department of Public Welfare should be required through its Child Welfare Services Program to provide care and custody to children in families from other jurisdictions who are participating in the March and who may be referred to the Department for various needs. There is clearly no residence requirement applicable to those otherwise qualified for child welfare services and the full resources of the Department should be made available to meet the needs of any children of families participating in the March.

Question 3: *Food Stamp Program.*

In Question 3 you inquired whether the maintenance of a temporary domicile in the District of Columbia meets the Food Stamp Program requirement that applicants be living in the District of Columbia. The term "living" should be equated with the term "residence" for such purpose and the definition of residence given above applied in the case of those otherwise qualified for the Food Stamp Program.

We trust that the above analysis will enable the Department of Public Welfare to adequately plan to meet the needs and requests for public assistance by participants in the "Poor Peoples March". Any such applications will have to be evaluated, however, on a case-by-case basis and we will, of course, be available

to assist the Department in resolving any additional legal problems posed in regard to such applications as may be forthcoming.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
DEPARTMENT OF PUBLIC HEALTH,
Washington, D.C., May 22, 1968.

Mr. JAMES T. CLARK,
Clerk, House District Committee,
Suite 1310, Longworth Building,
Washington, D.C.

DEAR MR. CLARK: Enclosed herewith is the material requested by Congressman Whitener concerning the activities of this Department in relation to previous special events and the current Poor Peoples Campaign.

Very sincerely,

MURRAY GRANT, M.D., D.P.H.,
Director of Public Health.

[Enclosure]

EMERGENCY PROGRAMS FOR SPECIAL EVENTS, PRESIDENTIAL INAUGURATIONS, AMERICAN LEGION AND SHRINE CONVENTIONS, OTHER DEMONSTRATIONS AND CIVIL DISTURBANCES

In all special events, the D.C. Department of Public Health directs and coordinates all activities related to medical care and public health services. A Central Medical Command Post with multiple telephone lines and a Civil Defense Emergency Radio Network is located in the Deputy Director's Office. Emergency communications with the Medical Aid Stations is provided by mobile units of the Civil Defense Emergency Radio Network. This Command Post remains in continuous operation from the onset of the activity or situation until termination or control has been achieved.

I. PRESIDENTIAL INAUGURATIONS, AMERICAN LEGION AND SHRINE CONVENTIONS

A. Funding

Congress had approved special funds in the budget to offset the cost of such activities to the District of Columbia. The language of the appropriation for these special funds authorized the Departments of Defense and Interior to participate in terms of personnel, equipment, supplies, and use of federal buildings.

B. Medical Activities

1. *First Aid Medical Clinics* were housed in Army tents, Army ambulances, buses, Federal and District government buildings and Red Cross First Aid vehicles, which were set up at the staging area, along the parade route, and along dispersal areas. Medical evacuation was to the nearest hospital.

2. *Pre-positioned Ambulances* at the Medical Stations were secured from the Armed Forces, District Government, and the Red Cross.

3. *Medical Care for Indigents.* Commissioners' Orders were issued in the public interest to make nonresident, medically indigent cases eligible for emergency hospital care at District of Columbia expense.

4. *Warming Tents* for parade personnel at the staging area, depending upon the temperature, were supplied by the Army.

C. Sanitation Facilities

1. *Toilet Facilities* were provided in Federal and District government buildings. National Park Service toilet trailers, rental toilet trailers, and chemical toilets were used.

2. *Drinking Water* facilities were supplied by temporary bubblers on fire hydrants when required by the season of the year.

D. Food Surveillance

1. *Food establishment personnel*, temporary caterers and catered functions received intensive supervision and monitoring by the D.C. Department of Public Health personnel and additional food sanitarians on a temporary or contractual basis to insure safety and wholesomeness of food.

2. *Canteen tents*, supplied by the Army, were operated by the Red Cross for Disabled Veterans.

E. Other Services

1. *Holding Areas* were set up for lost or stranded persons.
2. *Horse Ambulances*, manned by veterinarians and animal trainers, were provided on a rental basis.
3. *Emergency Communications* were provided by temporary telephones and the Civil Defense Radio Network.

F. Additional Support to D.C. Government

Department of Defense.
 National Park Service.
 General Services Administration.
 U.S. Public Health Service.
 Contract and Freedmen's Hospitals.
 D.C. Chapter, American Red Cross.
 D.C. Medical Society.
 Temporary contractual arrangements.

II. CIVIL RIGHTS DEMONSTRATION, AUGUST 1963

A. Funding

No additional appropriations were provided by Congress; the D.C. Government had to absorb the increase in costs.

B. Medical Activities

First Aid Medical Clinics were housed in Army hospital tents, Army ambulance buses and Red Cross vehicles set up on The Mall extending from the Washington Monument to the Lincoln Memorial. Pre-positioned ambulances were provided by the Army and the Red Cross. Medical evacuation was to the nearest hospital.

C. Sanitation Facilities

1. *Toilet Facilities* were provided by fixed buildings on The Mall, including National Park Service toilet trailers and rental chemical toilets at this site and outside Union Station.
2. *Drinking Water* facilities were provided by attaching temporary bubbler units on the fire hydrants.

D. Food Surveillance

The D.C. Department of Public Health supervised catered food provided the marchers; and General Services, Incorporated set up food stands along The Mall.

E. Other Services

Emergency communications were provided by the Civil Defense Network.

F. Additional Support to D.C. Government

Department of Defense.
 National Park Service.
 D.C. Chapter American Red Cross.
 D.C. Medical Society.
 Contract and Freedmen's Hospitals.

III. TENT-IN, LAFAYETTE PARK

A. Funding

Costs absorbed by D.C. Government.

B. Medical Activities

One Medical Aid Station was provided and manned by the D.C. Department of Public Health personnel. One pre-positioned ambulance was also provided by the D.C. Department of Public Health. Medical evacuation was to the nearest hospital.

C. Sanitation Facilities

One rented mobile toilet trailer and the toilet facilities in the park were available.

NOTE: This Tent-In was terminated by an outbreak of dysentery. Additional support to the D.C. Government was by contractual arrangements.

IV. ANTI-WAR DEMONSTRATION—PENTAGON BUILDING

A. Funding

No additional funds appropriated by Congress. D.C. Government absorbed costs.

B. Medical Activities

1. *Medical Air Stations* were housed in D.C. Department of Public Health trailer and a Red Cross trailer, as well as Army hospital tents manned by D.C. Department of Public Health personnel and Red Cross volunteers; these trailers and tents were on The Mall. The Department of Defense provided medical care and facilities at the Pentagon Building.

2. *Pre-Positioned Ambulances* were provided by the Red Cross, with volunteers, and medical evacuation was principally to D.C. General Hospital.

C. Sanitation Facilities

1. *Toilet Facilities* were provided by National Park Service mobile trailer and rented chemical toilets.

2. *Drinking Water* bubblers provided water from fire hydrants.

NOTE: A holding station was set up for stranded persons and additional support to the D.C. Government was provided by the following:

Department of Defense.

National Park Service.

D.C. Chapter, American Red Cross.

D.C. Medical Society.

Temporary contractual arrangements.

Emergency communications were provided by Civil Defense Network.

V. CIVIL DISTURBANCE, APRIL 1968

A. Funding

No additional appropriation by Congress; the District Government absorbed costs.

B. Medical Activities

1. *Three Medical Aid and Social Relief Stations* were set up in churches and were operated by volunteers from Medical Committee for Human Rights. Public Health Nurses from the D.C. Department of Public Health were assigned as coordinators and consultants.

2. *Medical Evacuation* was primarily to D.C. General Hospital; contract and Freedmen's Hospitals were also utilized.

3. *Additional Ambulances* assigned to the Fire Department Emergency Ambulance Service were provided by the D.C. Department of Public Health and the Army.

4. *Medical Screening of Detainees* at police precinct stations and the court house was provided by volunteer physicians from the Medical Committee for Human Rights.

There were 1,202 patients treated in the emergency rooms of D.C. General Hospital, contract and Freedmen's Hospitals; and 107 patients admitted to hospitals, and 9 deaths.

C. Following is a summary of environmental health activities related to the civil disturbances of April 1968.

The problems were related to protection of the drug, food, milk, and water supplies, sanitary disposal of waste, and rodent control. The fires interrupted electricity supplied to refrigerators, produced damage to food and drugs, destroyed buildings, broke water and sewer lines, and opened the buildings to looting of food and drugs, the safety of which had become questionable as a result of the interruption of refrigeration, damage from heat or contamination by tear gas.

Visits began on the morning of April 7 to thirty-four emergency food distribution operations which were evaluated as to potential food protection problems and provided with advisory service. Insufficient refrigeration capacity was the principal problem encountered.

None of the milk plants suffered any physical damage in the disturbance even though two are located within the affected areas. Close liaison was maintained with the plants during the critical period. There was some interruption in the

normal milk distribution arrangements only during the period April 4 through April 9.

A survey of the disturbance areas on the afternoon of April 7 indicated the extensive nature of the damage to food and drug establishments. More than 1,200 visits were made over the next two weeks to 935 premises where food and drug businesses had been interrupted by the disturbance. Of these, 216 had been in buildings which were demolished and which will have to be entirely rebuilt before any business can be resumed. For all practical purposes, at least 120 of these establishments are out of business. Another 467 interrupted businesses could not resume without some time consuming repairs to the buildings or the equipment, some of which are still under way. Another group of 252 businesses had reopened by April 21, having repaired the minor damage and completed necessary decontamination operations.

The disposal of damaged food and drugs was monitored to make sure that none reentered the normal trade channels. In many cases, the damaged food was mixed with debris from the demolished building. The Food and Drug Administration of the U.S. Department of Health, Education and Welfare, provided personnel who worked closely with the Bureau of Food and Drugs. These personnel assumed responsibility for disposal of damaged drugs and for the decontamination of salvable drugs damaged by tear gas.

A number of the destroyed buildings which had housed food businesses and which had become sources of food for rats, were baited and some were sprayed for fly control. In a few cases, deodorizing agents were applied to reduce odors.

Reports of broken water lines were relayed to the Department of Sanitary Engineering in order that the water supplies to the damaged buildings could be cut off. Soon after the disturbance, samples were collected from the water supply in the areas of disturbances and checked for adequacy of residual chlorine and bacteriological indications of contamination. Residual chlorine concentrations were found to be adequate and no indications of contamination were found.

There remained the problem of the demolished buildings in which the rubble mixed with food is serving to feed rats, is the breeding place of flies, and a source of noisome odors. In most cases, neither the former business operators nor the property owner has assumed responsibility for cleaning up the debris. This situation was called to the attention of the appropriate offices of the District Government immediately after the disturbance and on several occasions since then and suggestions have been made for possible ways in which the District Government could assure the early clean-up, possibly by actively participating. Although a few contracts have been let by the District Government, demolition and disposal of debris is proceeding slowly in a handful of the 200 buildings, many of which can be expected to become increasingly more serious problems with the passage of time.

D. ESTIMATED COST OF DISTRICT OF COLUMBIA DEPARTMENT OF PUBLIC HEALTH ATTRIBUTABLE TO ACTIVITIES RELATED TO CIVIL DISTURBANCE, APRIL 1968

	Number of units	Estimated cost
1. Medical care estimated cost:		
Emergency room treatments:		
Contract hospitals.....	980	\$5,979
District of Columbia General Hospital.....	222	2,387
Total costs emergency room treatments.....	1,202	8,366
2. Inpatient care:		
Contract hospitals admissions.....	88	34,204
District of Columbia General Hospital admissions.....	19	20,691
Total cost for inpatient care.....	107	54,895
Total contract hospitals cost.....		40,183
Total District of Columbia General Hospital cost.....		23,078
Total medical care estimated cost.....		63,261

¹ Absorbed by District of Columbia Department of Public Health.

E. Non-Hospital Estimated Costs

1. Personnel Compensation :	<i>Estimated cost</i>
Administration :	
Office, Director of Public Health.....	\$851
Administrative Services Division.....	6, 219
Procurement and Supply Division.....	184
Total Administration.....	7, 254
2. Planning and Research : Program Review and Development Division..	174
3. Preventive Services :	
Office of the Associate Director.....	326
Bureau of Nursing.....	2, 048
Bureau of Chronic Disease Control.....	279
Health Mobilization Division.....	1, 747
Total Preventive Services.....	4, 400
4. Environmental Health :	
Public Health Inspection.....	347
Environmental Engineering Division.....	220
Bureau of Food and Drugs :	
Office of the Chief.....	682
Food Technology Division.....	237
Field Services Division.....	7, 210
Total Environmental Health.....	8, 696
5. Medical Care : Office of the Associate Director.....	204

F. Supplies

Supplies	1, 321
Total non-hospital estimated costs.....	¹22, 049
Total medical care and non-hospital estimated cost.....	85, 310

¹ Absorbed by D.C. Dept. Public Health.

G. Additional support to D.C. government

Department of Defense.

Contract and Freedmen's Hospitals.

Medical Committee for Human Rights Volunteers.

VI. POOR PEOPLE'S CAMPAIGN

A. Funding

To date, no additional appropriations have been provided.

The Department of Public Health has informed the contract and Freedmen's Hospitals that the District Government cannot assume financial responsibility for treatment of patients connected with the Poor Peoples' Campaign at their hospitals.

B. Medical Activities—Current and Proposed

The Medical Committee for Human Rights (volunteers composed of physicians, dentists, psychiatrists, psychologists, nurses, nursing assistants and clerical staff) has the primary responsibility for medical care, food sanitation and general environmental sanitation.

The responsibility of the D.C. Department of Public Health will be limited to assistance to the Medical Committee for Human Rights in those areas where they do not have adequate resources.

C. D.C. Department of Public Health Assistance

1. We are loaning two medical trailers and one public health nurse at Resurrection City; and one public health nurse for consultation and referral of health problems at St. Stephen's Church.

2. The Southwest Health Center will be available for medical examination of campers of Resurrection City.

3. Patients needing inpatient or outpatient treatment or diagnostic work-up are being referred to D.C. General Hospital. Diagnostic laboratory services are available at the Departments Central Laboratory.

4. The Department of Public Health cannot neglect its public health responsibility to protect the health of all persons, regardless of whether they are residents or visitors. We are participating in an immunization program against measles, diphtheria, tetanus, pertussis, poliomyelitis and small pox.

5. We are engaged in tuberculin skin testing, chest xray and serology surveying.

D. Environmental Health

1. *Sanitation.*—To protect the health environment, the Department is supervising and monitoring the water supply, sewage disposal, trash and garbage collection, and insect and rodent control.

2. *Food.*—To protect the food supply, prevent contamination and spoilage, the D.C. Department of Public Health is supervising and monitoring the sources, preparation and transportation serving the people.

E. To carry out the above responsibilities in Section VI, C and D

We have assigned medical and paramedical personnel, nurses, sanitary engineers, food technologists and a nutritionist to the respective areas.

We are coordinating our public health activities with the National Park Service.

F. Additional Support to D.C. Government

National Park Service.

The Department of Defense is loaning ambulances and an ambulance bus with supporting personnel, if needed.

The D.C. Medical Society.

The Medical Chirurgical Society of D.C.

The Walter T. Freeman Dental Society.

The D.C. Chapter, American Red Cross.

The Medical Committee for Human Rights.

Mr. DOWDY. Mr. Nelsen was asking about where the lumber came from that went into this Resurrection City. As I recall, some of the newspaper accounts stated that Mr. Hechinger provided the lumber at quite a discount.

Mr. CASTRO. My recollection is that the Hechinger Company provided some of the lumber at cost. I learned this from news reports.

Mr. DOWDY. Is that the same Hechinger that is on the Council?

Mr. CASTRO. Yes, sir.

Mr. DOWDY. I believe he is the chairman or vice chairman of the Council?

Mr. CASTRO. He is the president of the City Council.

Mr. DOWDY. The president of the City Council?

Mr. CASTRO. Yes, sir.

Mr. DOWDY. The statement of expenses that you will furnish us will just be the expenses of the Park Service?

Mr. CASTRO. No, sir. It will include the costs incurred by the General Services Administration and by the District Department of Highways and Traffic. When we decided to dismantle Resurrection City we called on the General Services Administration and the District Government to help us because we did not have the staff to do it within the time limit we had in mind. So we asked them to help us and they kindly did and they incurred costs which are a part of this \$71,000 we are talking about.

Mr. DOWDY. This \$71,000, and the \$35,000 you are not asking reimbursement for, does not include the extra cost of police personnel?

Mr. CASTRO. No, sir. We consider that a normal expense though it was expensive. I think we spent about \$114,000 in overtime alone.

Mr. DOWDY. \$114,000?

Mr. CASTRO. Yes, in overtime.

Mr. DOWDY. That was overtime for the Park Service Police?

Mr. CASTRO. That was just for the U.S. Park Police, yes, sir.

Mr. DOWDY. You have no figures for the Metropolitan Police Department?

Mr. CASTRO. I do not.

Mr. DOWDY. Mr. Adams.

Mr. ADAMS. Mr. Castro, you indicated groups have been holding demonstrations in Washington, D.C., for as long as you have been here and before.

Mr. CASTRO. Yes, long before I came here.

Mr. ADAMS. How long have you been with the Department?

OTHER PERMITS GRANTED

Mr. CASTRO. I have been here seven years.

Mr. ADAMS. Can you give us examples of other groups who come in and use the park areas?

Mr. CASTRO. We have a great variety of them.

Mr. ADAMS. Do the Boy Scouts ever use them?

Mr. CASTRO. Not in the city itself—not for camping.

Mr. ADAMS. Tell us about the groups who come in and use the areas in the city.

Mr. CASTRO. We have requests from such groups as the Women's Strike for Peace, the group for a Sane Nuclear Policy, a number of them.

Mr. ADAMS. When the veterans came here in 1932, did they stay on park property?

Mr. CASTRO. They squatted on park property, I understand.

Mr. ADAMS. They did not get a permit, did they?

Mr. CASTRO. No, sir.

Mr. ADAMS. When other groups such as the American Legion come to town, is that handled by the Metropolitan Police Department or do you put personnel in to handle them?

Mr. CASTRO. We have a working arrangement with the Metropolitan Police which in my mind has been very workable and very satisfactory, and we cooperate back and forth on all special events.

Mr. ADAMS. In other words, you put men in the field when you are going to have an American Legion parade and you pay them overtime and so on?

Mr. CASTRO. If necessary, yes. An American Legion convention in Washington would probably involve a huge parade, and our jurisdiction begins at 15th Street and Constitution Avenue, which traditionally is where parades begin, and the Metropolitan Police help us out just as we help them out.

Mr. ADAMS. You have to police that group when that occurs?

Mr. CASTRO. Yes, sir, we often provide police service.

Mr. ADAMS. How often does that happen?

Mr. CASTRO. For example, the Christmas Pageant of Peace is held annually on the Ellipse. The Park Police usually handles all of that because the event is pretty well contained within the Ellipse.

Mr. ADAMS. And you have to construct and dismantle structures for those events?

Mr. CASTRO. Yes. That is done within our policy and regulations.

Mr. ADAMS. As I remember, for the Christmas Pageant you have a fire and yule log and this tears up the turf there?

Mr. CASTRO. Yes, we do.

Mr. ADAMS. And you restore that turf after it is over?

Mr. CASTRO. We reseed it.

Mr. ADAMS. I notice at the Washington Monument you have done some reseeding there. You had a large gathering on July 4th and after that you had to reseed that area?

Mr. CASTRO. Yes. We are continually reseeding and keeping up the turf there.

Mr. ADAMS. You indicated there was a general policy on the use of parks and I am trying to fit that in the context of Resurrection City and Dupont Circle, with the inquiry you have a continuing contact with groups representing a variety of people and you clean up after all of them, don't you?

Mr. CASTRO. Yes, sir.

Mr. ADAMS. And this amounts to a considerable amount of money?

Mr. CASTRO. It does, indeed. We spend a considerable part of our budget on that. But we have major events such as the Watergate Concerts all summer long that involve comparatively little expense. The Fourth of July celebration attracts about 100,000 people each year. The Christmas Pageant attracts a large group, as does the President's Cup Regatta and others.

Mr. ADAMS. You mentioned the expenses of sodding the site of Resurrection City and several other things which your Solicitor has ad-

vised are part of the general clean up you do after a lot of the other events here. I want to refer to these other expenses. I understand those expenses are in litigation?

Mr. CASTRO. They are not in litigation yet.

Mr. ADAMS. But they are in legal negotiation?

Mr. CASTRO. They are in the hands of our lawyers.

Mr. ADAMS. You turned them over to your lawyers. You said to them, "These are our expenses." The SCLC has it lawyers, and either they will settle or you will have to have a judicial determination?

Mr. CASTRO. That is right. I started early in August my efforts to collect from the SCLC. By September 25, because I had nothing conclusive from the SCLC, I thought it was time for our lawyers to look at it and I turned it over to them.

Mr. ADAMS. Do you ever do that with other groups that come in the city on these large meetings and celebrations?

Mr. CASTRO. There is a Christmas pageant and a Fourth of July celebration, and other events. On those occasions we work with the Board of Trade and civic leaders. But I don't recall of a case other than Resurrection City where we have had to go back to a sponsor of an event to collect damages, because we haven't had any.

Mr. ADAMS. That is what I was getting at. This policy of working with groups on park use has been developed over a number of years in dealing with these people?

Mr. CASTRO. That is correct.

Mr. ADAMS. So the event of Resurrection City or perhaps other demonstrations which occur here take you into a new field for which you are having to evolve policies just as policies have been evolved with respect to other groups in the past?

Mr. CASTRO. Yes, sir.

Mr. ADAMS. I have no further questions.

Mr. DOWDY. The Boy Scouts, American Legion, and the Watergate concerts don't do any damage, do they?

Mr. CASTRO. In the main, the demonstrations you are addressing yourself to are demonstrations that seek to promote or protest legislation or influence policy.

Mr. DOWDY. They are peaceful demonstrations?

Mr. CASTRO. We may have a flare-up and may have to make an arrest or two. Somebody might get vocal or out of order. But whenever you accumulate several thousand people, there will be some who may not agree on policy and they use this means to call attention to it.

Mr. DOWDY. We have been trying to check the Code of Federal Regulations to find part 36, section 50, and we don't find it. Could you furnish that to us?

Mr. CASTRO. Yes, sir. It is CFR title 36, part 50, National Capitol Park Regulation.

(The regulations referred to appear in the appendix, pp. 149-167.)

Mr. DOWDY. Mr. Broyhill.

PURPOSE OF BILL

Mr. BROYHILL. Mr. Castro, I will call your attention to page 3, line 17 of the bill under consideration wherein it states:

"Nothing in this Act shall be construed to—

"(1) authorize the Police Commissioner to combine any of the police forces under his jurisdiction or transfer any officer or member of a police force under his jurisdiction to a position in another police force under his jurisdiction without the prior consent of such officer or member; or

"(2) affect the rights and privileges under personnel laws and regulations in effect before the date of the enactment of this Act of any officer or member of a police force under the jurisdiction of the Police Commissioner."

The reason for that was to protect the integrity of each separate Police Department, as well as to protect the personnel of these departments from being arbitrarily transferred from one department to another without their consent. Also it is to protect the seniority and so forth of the personnel within the departments.

Mr. Castro, there was no intent by the sponsors or authors of this legislation that the several police forces would be completely merged into one unit, and the primary functions of the separate police departments abandoned, so I fail to see how this bill will injure in any way the principal purposes and objectives of the Park Police. On the contrary it should be most helpful in the coordination of training and equipment, as well as the coordination of the separate forces objectives at times when there are problems such as occurred in Resurrection City and elsewhere.

It seems to me this will create a much better administrative set-up so far as effectiveness of the Police Department is concerned.

I cannot understand, then, why you would object to this.

Mr. CASTRO. Mr. Broyhill, in my judgment I think we are just adding one more layer of management.

Mr. BROYHILL. We are eliminating layers. We are taking out the five present separate layers, and substituting only one.

Mr. CASTRO. Perhaps so in your mind, sir. In my mind it adds a layer. I think that the Park Police would lose their autonomy under such an arrangement as this.

For example, I would find it awkward, Mr. Broyhill, to do business with the Chief of the Park Police if I had to go through a Police Commissioner. In fact I would find it very awkward. I think it would be very cumbersome.

Mr. BROYHILL. Let us go back to your statement, at the bottom of page 1. You refer to the Park Police having other things to do in addition to dealing exclusively with the problems of crime and law enforcement, and that this legislation would prevent you from performing these other functions.

Do you know of any police department among the five we are talking about who deal exclusively with the problem of crime and law enforcement?

Mr. CASTRO. I think for the record I said "partially or substantially." I didn't use the word "exclusively." I agree with you. I don't think that word is correct in that context.

I think the point I should make with you, sir, is this:

Our Park Police spend a good deal of their time on interpretive work by virtue of the fact that they are at the Lincoln and Jefferson Memorials and the Washington Monument and other places. They have

to know a great deal about these great monuments as well as the city itself, events going on, recreational opportunities that are present. In a way of speaking they serve substantially as interpreters as well as policemen. That is the point we were trying to make there.

Mr. BROYHILL. It is a point well taken. I maintain, however, that the Metropolitan Police Department also has those other functions. It would be impossible for the layman to determine where the jurisdiction of one police department starts and the other ends. They both handle traffic and crowds and both have powers of arrest. How about a function such as an Inaugural, the various activities of the American Legion, and other international functions? There is constant overlapping of jurisdiction and duplication of duties of the Park Police and of the Metropolitan Police.

I cannot see how you can look at the Metropolitan Police Force and say they do not have the training or the knowledge to function properly in handling the public.

Mr. CASTRO. Forgive me. I don't mean to imply that at all. I make the point that in the training of our Park Police, we stress the business of interpretation, of interpreting the parks. This is a major part of our duties and responsibilities.

As to the matter of overlapping jurisdiction, that is no problem because we have concurrent jurisdiction as they have.

Mr. BROYHILL. I think I am sharing a point with you, but again I cannot see how you separate that from the similar duties of the Metropolitan Police Force, other than what is provided for in this legislation.

There is some other language in your statement with which I concur, such as that on page 3. You speak of the Metropolitan Police assisting the Park Police in discharging its obligation to the citizens of the United States.

I and many of my colleagues in Congress are concerned about the national interest and the national welfare, and we feel it is a Federal responsibility to provide the protection required in the Nation's Capital. We are not ignoring the interests of and the need to protect citizens of the District of Columbia, either, but the local citizens are only one portion of this nation.

We feel that since the national interests are paramount here, it is imperative that we bring the control and supervision of all these police departments under the Congress. Or to be more accurate, under a Commissioner appointed by the Congress.

I am most concerned about a coordinated police department under one supervision where the national interest is paramount. It makes no difference who makes that appointment.

Mr. CASTRO. I see.

Mr. BROYHILL. I think we have the tail wagging the dog here, when local misfits start to dictate the activities of the Police Department. I like a lot of the language you have in your statement, and I think it supports the general objective of the legislation.

Of course, you oppose the legislation because you think it may take a certain area of responsibility out from under the jurisdiction of the Secretary of the Interior.

Mr. CASTRO. Not that so much as the fact that I think it would be terribly cumbersome to have a police chief responsive to a police com-

missioner and also to me and in turn to the Park Service and the Secretary. I have strong misgivings about that and I am sorry that I do. I wish I could concur with you wholeheartedly.

You alluded to the business of police coordination. Police coordination between the Park Police and the Metropolitan Police and the Capitol Police and the White House Police and the Zoo Police is no problem. We have good coordination. I don't know of a better example of this than during the Poor People's Campaign here in Washington. We have much truck with a lot of them with the possible exception of the Zoo Police. We had no problem. Everything worked well.

Though we have divided responsibility, we met daily with the Metropolitan Police. We made our plans for the day and week on the assignment of men. They assigned men to Resurrection City, too, to bolster our limited force there and things worked well.

Mr. BROYHILL. That statement sounds pretty good, but you cannot convince me that five separate police departments under five separate jurisdictions and management can be coordinated effectively and efficiently and economically—at least not to the degree that it can be done under a single administrative head. It does not work that way in any other operation.

Mr. CASTRO. I cannot think of any other type of operation that works as you suggest, sir. I am sorry to be in the position of having to disagree with you. It would be much easier if I could agree with you, believe me, and I would like nothing better, but I honestly do not see the wisdom of this legislation, and I have to be candid and truthful with you.

Again I say coordination of police activities is a prime consideration here and I think that is working well, at least between us and the other police forces.

Mr. BROYHILL. I can understand how the Secretary of the Interior, or anyone in his position, would want to have supervision and control over maintenance of the parks, the national shrines, and the Rangers and things of that nature; but I cannot see why it is necessary that the Secretary of the Interior have complete and sole jurisdiction over policing of the parks.

Mr. CASTRO. I do, for this reason—Congress charged him with managing and operating that parkway. If he does not exercise police authority over it in the context of the present method I think it makes it awkward for him to discharge his responsibility.

Mr. BROYHILL. I can see his responsibility so far as maintenance is concerned but in the matter of police protection I do not see what advantage the present situation presents over the authority of a trained police commissioner. I don't see how this protection would be lessened by having it under a commissioner rather than under the Secretary of the Interior.

Mr. CASTRO. My judgment is that under this kind of arrangement the Park Police will lose their autonomy and their flexibility.

Mr. BROYHILL. The bill says they will not. However, we can put other language in the bill to clarify that point.

Mr. CASTRO. That may be something for us to consider.

Mr. BROYHILL. We can do whatever is necessary to further assure the operational autonomy of the Park Police.

Mr. CASTRO. Thank you.

POLICY AS TO RESURRECTION CITY

Mr. BROYHILL. In the colloquy you had with Mr. Adams, did I understand you correctly to state that there was no difference in what was permitted in the Resurrection City area and what is normally allowed by the Park Service? I didn't hear all that colloquy because I had someone else speaking to me.

Mr. CASTRO. We issued a permit for Resurrection City, substantially the same kind of permit we would issue for demonstration in another park. Emphasis on this particular demonstration was totally different from any for which we had ever given a permit in the past.

I might say to you that we had violations of the law in Resurrection City, violations of the permit, and we did our best to enforce the conditions of the permit.

This is one of the things that led us to revoke the permit on June 23, the fact there were many violations of its condition. I am the first to admit that.

However, I do not know that it is correct to compare Resurrection City with any other event we authorize in the way of a demonstration. This was something extraordinary and unusual.

Mr. BROYHILL. What was extraordinary and unusual?

Mr. CASTRO. The fact that it was a camping form of demonstration.

Mr. BROYHILL. You have not had similar requests for camping?

Mr. CASTRO. Only one other camping demonstration in the Park System in the 7 years I have been here.

Mr. BROYHILL. How about requests?

Mr. CASTRO. We have had some and declined them.

Mr. BROYHILL. What was the difference between those declined and those not declined?

Mr. CASTRO. We were told they were bringing 3,000 people here for this demonstration, and the options we had were, one, grant a permit and recognize it or arrest 3,000 people. As a matter of policy, we decided to issue a permit.

Mr. BROYHILL. In other words, an organization which wants to get a permit to camp would only have to threaten to come here and camp anyway, and force you to arrest them, and then they will get a permit?

Mr. CASTRO. Not quite.

Mr. BROYHILL. I am not trying to make you comfortable, you know.

Mr. CASTRO. I know you're not.

Mr. BROYHILL. The gentleman from Washington was. I was not.

Mr. CASTRO. I appreciate your candor, sir.

Mr. DOWDY. Maybe he learned a lesson.

Mr. CASTRO. I might say in defense of what we did, if I have to defend it, that permits for this sort of demonstration have been issued in the past. The Boy Scouts were here some 30 years ago, 10,000 of them. They camped on the Mall, on Columbia Island, on the Ellipse, and in practically every part of the Park System. That was another form of demonstration and I will not draw parallels. They had different objectives.

Mr. BROYHILL. I do not want to belabor this point, but I wanted it understood clearly that there is no comparison between the Resurrection City permit and the other permits granted during the seven years you have been in your present position.

Mr. CASTRO. Not a precise comparison; no, sir.

Mr. BROYHILL. Precise? Is there comparison in any area?

Mr. CASTRO. It cannot be precise.

COSTS OF RESTORING SITE

Mr. BROYHILL. Do you have cost figures?

Mr. CASTRO. \$71,795.

Mr. BROYHILL. Is this for dismantling?

Mr. CASTRO. Dismantling, removing and storing, and including \$200 for rehabilitating the D. C. War Memorial, and about \$5000 for repairing damage to trees and shrubs.

Mr. BROYHILL. Then you got \$5500 for the lumber?

Mr. CASTRO. Yes, sir.

Mr. BROYHILL. So your figure is a little off, is it not?

Mr. CASTRO. We have a \$5000 deposit from them which we are still holding in a trust account.

Mr. BROYHILL. You are facing litigation now about that?

Mr. CASTRO. We have no litigation now. I think the report which was made to you is inaccurate. I would know about it if there were litigation about this.

The situation is this: We determined that our costs of restoring the site were \$71,795, of which we have \$10,500 on our books.

I wrote early in August and I asked that we be reimbursed for these costs. They responded and said they would take it up with the leadership at a meeting in Atlanta in mid-August. We did not hear from them and on September 5 I reminded them we still had this obligation outstanding on our books and we wondered if they would favor us with a reply.

Their counsel called me and said he was awaiting instructions from their chief counsel in Chicago and he expected to hear momentarily.

He followed this up with a letter confirming this conversation.

Mr. BROYHILL. What do you think this asset of the taxpayers is worth? You say \$60,000 is still on the books. That is an asset. What is it worth?

Mr. CASTRO. I will not make a judgment about that.

Mr. BROYHILL. Well, I don't think it is worth a quarter.

Mr. CASTRO. That is a problem for the lawyers and the courts.

Mr. BROYHILL. Is the cost of the top soil included in the \$70,000?

Mr. CASTRO. No, sir, that is being done outside of Resurrection City considerations.

Mr. BROYHILL. You consider you would have done that anyway?

Mr. CASTRO. Yes.

Mr. BROYHILL. What will that cost?

Mr. CASTRO. I don't know what it will cost. We are still working on that part of it.

Mr. BROYHILL. So a lot of this cost would have occurred, anyway. I think the taxpayers would have been interested in that, because they understand that escapade cost several hundred thousand dollars of their money in providing police protection as well as repairs to the property itself. To learn that you would have done all of this improvement anyway, I think perhaps would relieve their minds. In fact, I might be inclined to exploit this situation a little. I think this is pretty much of a joke, and I think—

Mr. CASTRO. Mr. Broyhill, I don't work in devious ways. We are doing this because there is a need for it.

We found this out last spring when we had the Resurrection City exercise and the heavy rains. The area south of the sodded area became a bog because of the rains. We have had problems there before—before Resurrection City was even thought about.

We are not justifying this for any reason other than that there is need for it. We have no hidden agendas.

Mr. BROYHILL. This is very interesting information.

Mr. NELSON. I was interested in the witness from the Interior Department saying you dismantled the buildings and took the lumber. Has the supplier been paid? Does he not have a prior lien against the lumber, which has not been paid? How can the government seize it unless they are sure it has been paid for?

Mr. CASTRO. I have no way of knowing what, if any, amount the Southern Christian Leadership Conference owes its suppliers.

Mr. DOWDY. I would like you to tell me what channels the Park Police uses in the matter of prosecution where an arrest is made by a park policeman?

Chief WRIGHT. We use exactly the same procedure as the Metropolitan Police. We do not have lock-up facilities. We use lock-up facilities of the nearest precinct of the particular park where the arrest is made.

The procedure through court is exactly the same as that of the Metropolitan Police, through the Corporation Counsel's Office or the U.S. Attorney's Office.

Mr. BROYHILL. If an arrest is made on the Boulevard?

Chief WRIGHT. Yes.

OTHER PERMITS DENIED

Mr. DOWDY. It is difficult for me to make a parallel with regard to Resurrection City. In this present year, Mr. Whitener said the Boy Scouts made a request to use the Monument Grounds for three days in July. Was that turned down?

Mr. CASTRO. Not to my knowledge. Forgive me if I made a comparison between the two uses of parklands.

Mr. DOWDY. Were the Boy Scouts turned down because of their belief in a "God and country," which seems to be a controversial subject? They do not advocate turning the country upside-down and burning it up.

Mr. CASTRO. During the time that Resurrection City was in operation we had a number of requests for the same privilege from other groups and we declined them. We had a reason for declining them, and it is simple—we had no way of extending police protection to any other groups that might be using parklands under those auspices.

I think the request for permit you might be referring to is one we received from a church group.

Mr. DOWDY. That is another one.

Mr. CASTRO. We did not decline that request. It came at the height of the April riots. We asked for a deferral of a decision on it, and the people who got our letter took that to mean we had declined to issue a permit, which was not the case at all. It was the timing of it which caused us to defer a decision, and nothing else.

Mr. Dowdy. At this point in the record, the reporter will insert the remarks of Mr. Whitener in the House, including exchange of correspondence he had with the National Park Service respecting his request on behalf of the Boy Scouts.

(The material referred to follows:)

[Excerpt from Congressional Record of May 23, 1968, pp. H4221-H4222]

BOY SCOUTS DENIED USE OF NATIONAL PARK AREA LAND

Mr. WHITENER. Mr. Chairman, on April 25, I addressed a telegram to the Secretary of the Interior requesting permission for several troops of the Boy Scouts of America from North Carolina to have an encampment on National Park area land within sight of the Washington Monument for the period July 18-20, 1968.

Today I have received the final reply of the Director of the National Park Service in which he states:

"I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time."

In order that my colleagues may have full information as to the request and subsequent correspondence, I insert at this point my entire file on the matter:

APRIL 25, 1968.

Hon. STEWART UDALL,
Secretary, Department of the Interior,
Washington, D.C.:

Would appreciate your advising whether it will be possible for several troops of Boy Scouts from North Carolina to have an encampment on National Park area lands within sight of the Washington Monument on July 18, 19, and 20, 1968. Housing in regulation type Boy Scout tents would be anticipated.

Will appreciate prompt reply.

Sincerely yours,

BASIL L. WHITENER,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., April 26, 1968.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: We are pleased to acknowledge your inquiry in behalf of several Boy Scout troops concerning their plans for an encampment in the Washington, D.C. area on July 18-20. We appreciate your interest in this matter and will provide you a reply at our earliest opportunity.

Sincerely yours,

GEORGE B. HARTZOG,
Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 29, 1968.

Mr. GEORGE B. HARTZOG,
Director, National Park Service, Department of the Interior,
Washington, D.C.

DEAR MR. HARTZOG: I appreciate having your letter of April 26, 1968, with reference to my telegram to the Secretary of the Interior regarding an encampment for Boy Scout troops in the vicinity of the Washington Monument during the period July 18-20, 1968.

My constituents are pressing me for a reply, and I assure you that any action you might take to expedite an answer to my request to Secretary Udall will be deeply appreciated.

With kindest regards, I am

Sincerely yours,

BASIL L. WHITENER,
Member of Congress.

May 20, 1968.

Mr. GEORGE B. HARTZOG,
Director, National Park Service, Department of the Interior,
Washington, D.C.:

Reference is made to my telegram of April 25, 1968, requesting permission for a group of Boy Scouts to camp near Washington Monument during the period July 18-20, 1968. Urgent that I have final decision as quickly as possible. Visit of Scouts contingent upon determination made by your office.

Sincerely,

BASIL L. WHITENER,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., May 21, 1968.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: We regret not having replied sooner to your recent telegram and letter in behalf of several Boy Scout troops concerning their plans for an encampment in sight of the Washington Monument during the period July 18-20. However, as you may know, I have made several attempts to contact you by telephone to discuss this subject, personally.

July is one of our heaviest visitor periods in Washington. The Washington Monument, the Capitol, and the other great monuments and public buildings in and along the Mall are, of course, prime attractions for these visitors. In these circumstances, I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time.

We would, however, welcome the Boy Scout encampment at other park areas in the immediate vicinity of Washington, D.C. For example, a very fine site can be provided them at Prince William Forest Park, Triangle, Virginia. Moreover, we would be pleased to make a site available at Greenbelt Park, if they prefer. Enclosed for your convenience are pamphlets relating to the above-named areas.

Please let me know if I may be of further service in arranging suitable accommodations for these young people from your District.

Thank you very much for your continuing cooperation and assistance in the programs of the National Park Service.

With warmest personal regards and every good wish, I am

Sincerely yours,

GEORGE B. HARTZOG, Jr. Director.

Mr. Speaker, I am shocked that the National Park Service and the Department of the Interior would deny to the Boy Scouts of my congressional district the same privileges which are at this time being accorded to another group. I am particularly shocked that the Park Service would base the denial upon the fact that the area in which the Scouts would have been located is a "prime attraction" for the heavy numbers of visitors in Washington at the time covered by my request. The same argument is applicable to those who are now encamped upon the same area requested by me for the Boy Scouts.

It has also been brought to my attention by Members of Congress and by the public press that Baptist Church leaders have been denied a permit to stage a public march and rally on the park lands along the Mall and near the Washington Monument, for the period October 10-13, 1968. These outstanding churchmen have planned their rally in connection with their Continental Congress of the Crusade of Americas. According to these church leaders, 10,000 marchers representing an estimated 24 million Baptists in the United States, Canada, and Latin America were planning to hold their event as the highlight of their religious crusade to Washington.

Mr. Speaker, it is beyond my comprehension that a nation which has as one of its fundamental policies the equal treatment of all citizens would discriminate against a splendid youth organization such as the Boy Scouts of

America and the great Baptist Church in such an unbelievable manner. I deplore the decisions of the National Park Service and the Department of the Interior which deny to them the same privileges accorded to another group which has descended upon Washington and been given an official permit to set up an encampment on park lands.

The people of this Nation will not long tolerate such abuses by their Government.

PARK POLICE

Mr. GUDE. Mr. Castro, you spoke about the arrest procedure. You have 308 patrolmen in the police force?

Mr. CASTRO. Mr. Gude, we have 363 authorized police positions in the organization. Fifty-five of these were authorized in the current fiscal year, meaning 1969. However, because of the very rigid personnel restrictions we have now, we cannot fill them.

As a matter of fact, out of 363 authorized positions we have 277 filled as of today.

Mr. GUDE. Your park policemen receive the same pay increase as the District police?

Mr. CASTRO. Yes, sir.

Mr. GUDE. Has this made any difference?

Mr. CASTRO. I am sure it has. Chief Wright can address himself to that better than I can.

Chief WRIGHT. We have many more applicants appearing. We can give more encouragement toward employment.

Mr. GUDE. You say you cannot fill the positions? Why?

Mr. CASTRO. Because of the restrictions imposed on us by the Congress and the Bureau of the Budget.

Mr. GUDE. In the course of their duties, your officers have to make arrests in the same manner as the Metropolitan Police, in such areas as DuPont Circle?

Mr. CASTRO. We exercise concurrent jurisdiction, but because it is a park the presence of the U.S. Park Police is more evident than that of the Metropolitan Police, although the Metropolitan Police make arrests there, also.

Mr. GUDE. As far as the workload is concerned, to a certain extent your officers are handicapped in the same way the Metropolitan Police are?

Mr. CASTRO. More so. The District Government does not have to observe personnel ceiling restrictions as we have to observe them. In other words, if they are authorized to fill 3,000 positions they can fill them as long as they are able to get men.

In our case because of our ceiling problems we cannot fill perhaps over 300 of them. This is my problem.

Because of personnel ceiling limitation, we can fill only 1,269 of our authorized 1,590 positions.

Mr. GUDE. It was not the intent of Congress in cutting funds that it should apply to police of the National Capital Parks or anywhere else in the government sphere.

To get back to the job of the policemen who worked under you, I wondered about this backlog in the Court of General Sessions and

in the Juvenile Court which the previous witness mentioned. Does this handicap you to the extent that your officers are performing police functions to the same extent it handicaps Metropolitan Police?

Chief WRIGHT. That is right.

Mr. GUDE. The solution here is to do something about additional judges in both those courts.

Mr. CASTRO. I would think so.

Mr. GUDE. Also I imagine you have trouble with alcoholics in the parks?

Mr. CASTRO. That is right.

Mr. GUDE. If we did something for their treatment and care, this would relieve some of the load on your men.

Mr. CASTRO. Indeed.

Mr. ADAMS. Mr. Chairman, I wanted to indicate that we have found Title 36, Section 3.20, 3.21, 3.22 with the various designations of park policy.

In referring to part 50 I wanted to ask the gentleman whether or not they have now begun to break down Title 36 into parts as has been done in the other sections of the Code which are not up to date?

Mr. CASTRO. The regulations have been recodified.

Mr. ADAMS. There have been some remarks by the gentleman from Virginia about my questions and what I was trying to establish. I happen to have been on Boy Scout Jamborees. Leaving aside politics and the age, as I remember it, we all dug camp fires, we all had a tent and all lived in the area and when we left I am certain that a certain number of things had to be done physically to restore the area.

We will not get into political discussions for the moment, about the age of these people, but instead discuss what they do with the property.

Mr. DOWDY. I worked with the Boy Scouts for many years before I came to Congress. I was District Chairman, and had many jamborees. One of the requirements I put on the boys was always to restore the area. They always did a fine job in doing this and we never had a complaint from anyone who granted the use of his premises.

Mr. GUDE. I, too, worked with the Boy Scouts. I remember many Jamborees on Monument Grounds.

You spoke of these five groups being consolidated. I wondered to what extent you have daily contact or need for coordination with the police at the Zoological Park and the White House.

Mr. CASTRO. I can speak with respect to the White House Police because the White House is part of the National Park System. Although we do not have jurisdiction within the confines of the 18 acre area—the White House Police exert jurisdiction there—we have jurisdiction on the outside along South Executive, East Executive, West Executive, and the south side of Pennsylvania Avenue. We post men there every day to assist tourists and traffic.

Mr. BROYHILL. I was amazed to hear the gentleman from Washington imply that someone else was politically motivated here this morning, and apparently implying that he never gets political in the colloquy or statements he makes around here.

I will confess that knowingly or unknowingly, I sometimes bring politics into some of my approaches to questions. I might go so far as to say, Mr. Castro—and I want to commend you on the manner you have conducted yourself this morning; your statements and answers to questions have been very effective—but if you were at liberty to give a factual and complete appraisal as to what happened here, an interpretation of these happenings, and what factors led to the decision to grant this permit, you would have to admit there were politics involved in the Department of the Interior's decision in this matter.

Mr. CASTRO. I am perfectly at liberty to answer any questions you wish to ask about Resurrection City.

Mr. BROYHILL. Was politics involved in that decision?

Mr. CASTRO. Mr. Broyhill, I don't work in the area of politics. I am a Park Administrator.

Mr. BROYHILL. You said you could answer the questions. I did not expect you to answer, but you said you could.

Mr. CASTRO. I can.

Mr. BROYHILL. Then I ask you whether politics was involved.

Mr. CASTRO. No, sir, politics was not involved; within my knowledge it was not involved.

Mr. BROYHILL. Not within your knowledge.

Let the record show that I am laughing, and also disagreeing.

Mr. CASTRO. I should make this statement to you: This was a difficult problem for us. Needless to say, it was the most strenuous job I have ever handled in my quarter century in the Park Service.

I said before that we have no hidden agendas on this. It was a business proposition for us, such as a request to demonstrate in Lafayette Park is. Because of special circumstances it was much more difficult than usual, but literally speaking, whether there was politics involved, certainly not on my part or on the part of any of the people with whom I work.

Mr. BROYHILL. I accept the fact that you are a professional career man who does his job as best he can, without regard to politics. I hope I didn't imply anything else in my remarks. However, you work for a political organization, and there are politicians in the Department of the Interior. I happen to know some of them.

Mr. CASTRO. To my mind——

Mr. ADAMS. If I may finish my reply. If I indicated to the gentleman from Virginia in any way that I am not a political animal and one willing to fight political issues with him, I certainly want to correct that impression. I have disputed his politics in the past and will in the future, and I expect that will continue indefinitely.

My remarks were that the gentleman testifying is not involved in the political business and I didn't want him to be involved in a discussion of the political philosophy of the group involved.

My comments as to political connotations or complexions of the group referred to Resurrection City itself, and I said that setting aside for a moment the politics of what people there believed or what they wanted to say or why they were here, if they were here to lobby or not, there are physical things that the Park Service has to do whenever anybody comes to town, whether it is a Boy Scout Jamboree or some-

thing else. The Boy Scouts were not here politically. Perhaps Resurrection City people were. I think, however, the American Legion comes for political purposes. They make that clear. There are groups, other than the Resurrection City people who come here politically.

I do not think we should lean on the servants of the Park Service with regard to the political coloration of the group that uses one of the parks. They have to treat them all the same.

I agree with the witness' comments that this was a difficult situation. The next one may be a difficult situation, too. I am glad he is there because I believe he has done his duty well.

Mr. NELSEN. You referred to yourself as an animal. I don't think that is a good term.

We have other witnesses. I wonder if we could get on with the other witnesses.

I want to confess I never belonged to the Boy Scouts. I am sorry.

Mr. ADAMS. That is the loss of the Boy Scouts.

Mr. CASTRO. In my mind, and I say this in complete honesty, the decision we made was not a political decision. It was a management decision—right or wrong. That is my conviction.

Mr. BROYHLL. I would like to associate my remarks with those made by Mr. Adams. I did not want to imply that you were in anyway politically motivated in this matter.

Mr. GUDE. I think it is worthy of note in the consideration of this bill that this hiring which has been levied by the Bureau of the Budget is hampering your operation.

Mr. CASTRO. Very much so. We have asked the Interior Department to try and exempt us from this requirement as it applies to the Park Police.

Mr. GUDE. Very good.

Mr. DOWDY. Thank you, gentlemen.

The next witness will be on behalf of the National Zoological Park Police, Carl Sadler, Legislative Representative, Norman Jordan and, Charles Van Tassel and Stephen Koczak.

STATEMENTS OF CARL SADLER, LEGISLATIVE REPRESENTATIVE, AND STEPHEN KOCZAK, ASSISTANT RESEARCH DIRECTOR, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES; AND NORMAN E. JORDAN, HOWARD J. MOORE, AND CHARLES VAN TASSEL, NATIONAL ZOOLOGICAL PARK POLICE

Mr. SADLER. I am Carl K. Sadler, the Legislative Director for the American Federation of Government Employees.

The gentleman on my immediate right is Mr. Stephen Koczak, our Assistant Research Director.

The gentleman on my left is Mr. Norman E. Jordan, President of the Zoological Police Lodge.

On my far right is Mr. Charles Van Tassel, Secretary-Treasurer, and Howard J. Moore, Vice President, of this Lodge.

We appreciate, Mr. Chairman, the introduction by Mr. McMillan of H.R. 14430, which was co-sponsored by: Mr. Abernethy, Mr. Dowdy, Mr. Hagan, Mr. Fuqua, Mr. O'Konski, Mr. Winn, Mr. Steiger of Ari-

zona, and Mr. Broyhill of Virginia; and the introduction of H.R. 14448 by Subcommittee Chairman Basil L. Whitener.

SUPPORT OF BILL

For many years the American Federation of Government Employees has felt that the law enforcement in the District of Columbia should be under one head. We believe that this approach of having a Commissioner of Police appointed is a good one. As provided in Sec. 2 of the Bill:

"(a) There are transferred to the Police Commissioner the functions, powers, and duties of—(1) the Commissioner of the District of Columbia and the District of Columbia Council with respect to the Metropolitan Police force; (2) the Secretary of the Interior with respect to the United States Park Police in the District of Columbia; (3) the Secretary of the Treasury with respect to the White House Police; (4) the Sergeants at Arms of the House of Representatives and the Senate and the Capitol Police Board with respect to the Capitol police; and (5) the Secretary of the Smithsonian Institution with respect to the National Zoological Park police force.

"(b) The Police Commissioner may establish such review boards as he deems advisable. The Police Commissioner may appoint and fix the compensation of such personnel as he deems advisable to carry out his functions, powers, and duties under this Act, subject to the provisions of Title 5, United States Code, relating to appointments in the competitive service, classification, and General Schedule pay rates.

"(c) As soon as practicable after the date of the enactment of this Act, the Police Commissioner shall make recommendations to Congress for the enactment of such legislation as may be necessary to make the police forces under his jurisdiction subject to the same provisions for appointments, promotions, dismissals, compensation, retirement, and similar matters.

"(d) Nothing in this Act shall be construed to—(1) authorize the Police Commissioner to combine any of the police forces under his jurisdiction or transfer any officer or member of a police force under his jurisdiction to a position in another police force under his jurisdiction without the prior consent of such officer or member; or (2) affect the rights and privileges under personnel laws and regulations in effect before the date of the enactment of this Act of any officer or member of a police force under the jurisdiction of the Police Commissioner."

BENEFITS FROM THIS BILL

We are confident that the enactment of this legislation would eliminate the many barriers and pitfalls we have read about in the newspapers concerning our law enforcement department and that it will permit uniformity throughout the District of Columbia. Likewise there would be one set of rules and regulations, which would in our opinion improve the morale of the personnel of all these groups and would tend to make law enforcement much more efficient. We trust that this Committee will approve legislation along these lines and let it be tried for a few years. We predict that there will be no desire to

go back to the several departments we now have, each one having jurisdiction of their own law enforcement officers.

We appreciate the privilege of filing this statement. On behalf of the American Federation of Government Employees we assure this Committee that we would be delighted to work with the members of this Committee or the Committee staff in an effort to bring about a solution to the hodgepodge system for law enforcement officers that now exists in our Nation's Capital.

I think Mr. Jordan also has a statement he would like to file.

Mr. DOWDY. Mr. Jordan.

Mr. JORDAN. Mr. Chairman, for the record, I am Norman E. Jordan, President of Lodge 185, American Federation of Government Employees and a Private with the National Zoological Park Police. With me today are the Vice President of Lodge 185, Mr. Howard J. Moore and the Secretary-Treasurer, Mr. Charles H. Van Tassel, who are also members of the National Zoological Park Police.

We appear here today in support of Chairman McMillan's bill, H.R. 14430, and your bill, H.R. 14448, which would establish a Commissioner of Police for the District of Columbia. We urge the enactment of such legislation which would provide uniformity among the five recognized police forces in the District of Columbia with respect to appointments, promotions, dismissals, compensation, retirement and similar matters. These provisions would eliminate the present fragmentary jurisdictions and inconsistent rules and regulations governing policemen in the performance of their duties. In turn, these provisions would establish greater efficiency, solidarity or union of purpose and promote esprit de corps among the law enforcement officers in the District of Columbia. These improvements would ultimately result in more economic operation of the total complement of law enforcement offices in the nation's capital and a savings to each taxpayer.

The quality of police protection in the District of Columbia would increase proportionately with the morale of the individual policeman as he becomes aware that *his* rights would also be protected by standardized rules and regulations governing the performance of his duties and one central authority to which he would be answerable, namely, the Congress of the United States represented by a Police Commissioner.

This statement has the approval of our parent organization, the American Federation of Government Employees.

We wish to thank the committee for granting us this opportunity to express our views.

Mr. BROYHILL. I think one of the witnesses should state briefly for the record the matter of training, hazards in the making of arrests, and so on, and something with regard to comparable pay and allowances.

Mr. JORDAN. We had a bill introduced June 16, H.R. 7195. I understand it is now in the Rules Committee. It is to bring our pay up comparable to U.S. Park Police.

At that time the Secretary of the Smithsonian testified with regard to that. There is a complete record of that hearing where they felt the jobs are comparable and the duties are comparable.

The only difference is the area involved. We cover 176 acres, but the arrest procedures are the same. The duties are comparable.

Over the years we feel, if you will check our arrests and the size of our force, the arrests per man are comparable to those of the U.S. Park Police.

Mr. BROYHILL. If you would like to elaborate on that for the record, it would be helpful to us. It would help in this legislation in the event something happens to the legislation pending before the Rules Committee.

From what committee did that come?

Mr. SADLER. House Administration.

If we may, we would like to submit for the Committee's perusal the information that we have concerning the arrests and the comparative analyses we have.

Mr. BROYHILL. I ask unanimous consent that that material be included.

Mr. DOWDY. That may be done.

Mr. ADAMS. Having received these statements, who is the head of the National Zoological Park Police? In reading these I gather you gentlemen are represented by the American Federation of Government Employees and not whatever hierarchy there is.

Mr. SADLER. These are all members of the American Federation of Government Employees.

Mr. ADAMS. Do you have a director?

Mr. SADLER. The Smithsonian.

Mr. JORDAN. We come under the Secretary of the Smithsonian.

Mr. ADAMS. And is there an Assistant Secretary of the Smithsonian in charge of the police?

Mr. JORDAN. The Director of the Zoo and the National Zoological Park.

Mr. ADAMS. Your immediate superior is the head of the Zoo, or the director of the Zoo?

Mr. JORDAN. That is right.

Mr. ADAMS. Has he taken a position on this at all? What is his name?

Mr. JORDAN. Dr. Theodore Reed.

Mr. SADLER. As a matter of record the American Federation of Government Employees has exclusive representative rights for the Zoological Police. This is the reason we are here together.

Mr. ADAMS. That is fine, but I was trying to check this out. Do you represent either the White House Police or the Park Police or the Capitol Police or the Metropolitan Police?

Mr. SADLER. Not exclusive representation.

Mr. DOWDY. Thank you, gentlemen.

At this point we shall insert the letter of the acting secretary of the Smithsonian Institute to Chairman McMillan.

The letter referred to follows:)

SMITHSONIAN INSTITUTION,
Washington, D.C., July 24, 1968.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Please refer to H.R. 14430 and H.R. 14448, identical bills "To establish a Commissioner of Police for the District of Columbia."

Section 2(5) of these bills would transfer to the proposed Police Commissioner the functions, powers, and duties of "the Secretary of the Smithsonian Institution with respect to the National Zoological Park Police Force."

The duties and responsibilities of the Zoological Park Police differ from those normally expected of a police officer and thus require special training and experience. The Smithsonian Institution therefore considers that direct control over the police enforcement responsibilities attendant with the National Zoological Park is in the public interest.

It is incumbent upon the Secretary of the Smithsonian Institution to assure public safety for the millions of visitors. This responsibility encompasses measures of enforcement including a 24-hour vigilance over a large park area with some 3,000 wild animals.

The National Zoological Park Police also serve as information guides and continuously assist the visitors to this wildlife habitat.

The Smithsonian Institution accordingly does not favor this legislation.

The Bureau of the Budget has advised that from the standpoint of the Administration's program there is no objection to the presentation of this report to the Congress.

Sincerely yours,

JAMES BRADLEY,
Acting Secretary.

Mr. Dowdy. The North Washington Council of Citizens Associations, Mrs. Ernest Howard.

STATEMENT OF MRS. ERNEST HOWARD, PRESIDENT OF THE NORTH WASHINGTON COUNCIL OF CITIZENS ASSOCIATIONS

Mrs. HOWARD. I have a short statement, Mr. Chairman.

Mr. Chairman and members of the Committee, since the vilification of the policemen has become the order of the day and since policemen are the protectors of our lives and property, we are glad to endorse H.R. 14430 and H.R. 14448.

Mr. Chairman, we believe that there is an organized conspiracy at work in the nation to discredit the law enforcement officers of this land, and especially in our city. This is a technique that is directed toward the discrediting of the police in the eyes of the public.

Groups are trained in crushing police opposition, to discredit police officials among the rank and file, and to check and rifle administrative and security units. Even on routine calls, their lives are now endangered.

The police officer is now always on the defensive, both from City Hall and the criminals.

We can hold meetings, approve commissions, create new positions, create more committees, and we can make speeches in other cities and quote statistics ad infinitum but this will not solve the problem of crime and disorder in the Capital of the United States, which is Washington, D.C.

These attacks are dangerous for two reasons: One, they are fanatical, disciplined, and skilled in the underground method.

Two, their strategy and technique is to centralization, a campaign against the police in one state being a campaign in another, and so on throughout the other countries of the world.

We believe the police officer in our Nation's Capital should not put himself in a defensive position every time he responds to a call. We can no longer afford to allow the police officers to be dealt with or relegated to the same level as the criminal. There is only one way to

remedy this deplorable and disgraceful situation, and that is for the Congress of the United States to retrieve and exercise the prerogatives given them in Article 1, Section 8 of the Constitution of the United States, and which each member has sworn to defend. That is to exercise exclusive legislation in all cases in the District of Columbia.

We believe that you have the tools, Mr. Chairman, and we implore you to use them.

Thank you.

Mr. Dowdy. Thank you, Mrs. Howard.

We have the White House Police here now. We have Mr. Charles Humpstone, Acting Special Assistant to Treasury Secretary for Enforcement, Mr. James J. Rowley, Director, Secret Service, and Major Glennard Lanier, Chief, White House Police.

STATEMENT OF CHARLES HUMPSTONE, ACTING SPECIAL ASSISTANT TO TREASURY SECRETARY FOR ENFORCEMENT, ACCOMPANIED BY JAMES J. ROWLEY, DIRECTOR, SECRET SERVICE AND MAJ. GLENNARD LANIER, CHIEF, WHITE HOUSE POLICE

Mr. HUMPSTONE. Mr. Chairman and members of the Committee, I want to thank you for allowing me to express the views of the Treasury Department with regard to pending bill H.R. 14430 and its identical companion H.R. 14448.

As to the essential purpose of the bill, which is to establish a Commissioner of Police for the District of Columbia, we make no comment, on the ground that this relates to a subject which is outside Treasury's professional jurisdiction. We do want to comment, however, as to one item in the bill which reads as follows:

SEC. 2. (a). There are transferred to the Police Commissioner the functions, powers, and duties of—

* * * * *

(3) the Secretary of the Treasury with respect to the White House Police;

Our position is that subsection (3) should be deleted from the bill.

OPPOSE INCLUDING WHITE HOUSE POLICE

The Treasury Department is strongly opposed to the transfer of the functions, powers, and duties of the Secretary of the Treasury, with respect to the White House Police, to the Police Commissioner.

The White House Police force protects the White House, Executive Offices and grounds, and the President and his immediate family. The Secretary of the Treasury is charged with the supervision of the force and he has delegated his functions to the Director of the Secret Service as it has the statutory responsibility for protection of the Chief Executive and his immediate family.

The responsibilities of the White House Police are interwoven with those of the Treasury Department and particularly the Secret Service in every aspect of its operation and administration. To fragment the direction and supervision of the existing protective system could compromise the effective coordination of the efforts of the Secret Service

and the White House Police to guarantee the physical security of the President of the United States.

The White House Police force is a highly specialized unit whose duties are related to the physical security of the Chief Executive, his family, and certain property as defined by statute. Their responsibilities are not as broad as those of the municipal police force. The officers receive special training from the Secret Service in addition to basic police training. Once on board they work under experienced senior personnel carrying out their functions as a security force under the most trying circumstances.

Hundreds of thousands of people, each capable of committing some grievous act, must be scrutinized in a continuous effort to secure the home and offices of the President. The White House Police force's responsibilities do not permit a single failure in communication or coordination with the efforts of the Secret Service. I believe it would be an egregious error to divide protective responsibility between separate commands instead of continuing control in one organization.

The Treasury Department position is that the consolidation of the White House Police under the Commissioner of the District of Columbia Police would segment existing efficient line authority.

Mr. Chairman, Director Rowley, Major Lanier or I will be pleased to answer any questions you or members of the Committee may have pertaining to the White House Police force and the Treasury position regarding the legislation.

Mr. Dowdy. This is the one area of the bill where I have no questions because of the peculiar responsibilities of your group.

Mr. Adams?

Mr. ADAMS. To what degree do you coordinate the operations in and out of the White House with the rest of your network? I think your key point here is the fact that in this particular area you need to have control of the White House where the President starts his trips.

Mr. HUMPHSTONE. One is the control of the physical admission of the people to these specific 18 acres. It is a clearly defined area with a fence around it. Our jurisdiction is inside the fence.

There are two aspects—one is the control of people who either as part of the tourists are moving through the museum tour, if you might call it that, and people who might try and jump the fence, people who might try and break in through the gate, and controlling those people, those who have permission and those who do not. The other is working through the intelligence network of the Secret Service, as you all receive mail from time to time from mentally disturbed and deranged persons who have some desire to express indignation with various circumstances surrounding them, so too the President receives such mail. We get information daily from various parts of the country, people who have announced a declared intent to come and kill one or another person either now in the White House, formerly in the White House, or perhaps will be in the White House.

That information has to be relayed immediately to the Secret Service and White House Police.

Mr. ADAMS. Chief Lanier, the men who are physically at the gates of the White House, are those part of your force?

Chief LANIER. Yes.

Mr. ADAMS. At what point do you meet the people from the Department of the Interior? Where do you have the split? Do they watch over the sidewalks, and you take from the fence inside?

Chief LANIER. Yes, sir.

Mr. ADAMS. I take it it is your position, as expressed here, that you feel your operation should continue as it is?

Chief LANIER. It should, yes, sir.

Mr. ADAMS. How many men do you have?

Chief LANIER. On board at the moment we have 213 officers. Appropriated strength is 250.

Mr. ADAMS. Are you having a problem recruiting or is that a normal turnover gap that you simply always have because people move in and out?

Chief LANIER. Limitation by Congress under this recent Act.

Mr. ADAMS. The question I am asking is this: We have had recruitment problems in the District. I want to know whether recruitment problems exist for the White House Police or whether this is because of the statutory limitation or turnover.

Chief LANIER. At one time we did have because basically most of our men come from the Metropolitan Police. They had a problem and in turn we had one.

We have the availability of men, but we are restricted by Executive and Congressional Acts.

Mr. ADAMS. You have not had a recruitment problem?

Chief LANIER. No.

Mr. BROYHILL. I cannot speak for all the co-sponsors of the legislation, but I would offer the observation that their feeling about this legislation is much the same as most of us have. We draft legislation and introduce it with a certain objective, in order to solve different problems. None of us feels we have all the answers.

Originally, the basic idea was to consolidate the separate police departments.

Some of the supporters of the legislation suggested bringing into the bill the jurisdiction of the Airport Police, which overlaps to some extent with the Park Police. Some suggested that the police guards up here at the Supreme Court be brought under the legislation. That would draw objections from other members, but my point is that there is a lot of give and take when we try to bring about solutions to problems.

I say that because as a sponsor, I am willing to work out some adjustment or correction or change so far as the White House Police are concerned.

I have talked with the Under Secretary of the Treasury, Mr. Barr, about this and also with some members of the White House Police force. I recognize that there is a close coordination with the Secret Service in the protection of the life of the President.

I also bear in mind that until recently, Major, all of your recruits had to come from the Metropolitan Police Department. Is that correct?

Chief LANIER. Metropolitan or the U.S. Park Police.

Mr. HUMPHSTONE. That is by statute.

Mr. BROYHILL. Do you have that same limitation now?

Chief LANIER. Yes, by statute.

MR. BROYHILL. You still have the restriction that you must get your recruits from the Park Police or from the Metropolitan Police force? I know of certain instances in which you wanted to obtain certain personnel from the Metropolitan Police Department, these people wanted to be transferred, but you could not get the cooperation of the Metropolitan Police Department in obtaining those particular people.

I believe that from the standpoint of recruitment and training, this legislation would be of assistance to you in helping to streamline this procedure.

So far as the protection of the President and the responsibility of the Secret Service is concerned, and in relation to the Secretary of the Treasury, I think all of this can be handled satisfactorily.

MR. HUMPHSTONE. I am happy to hear that, Mr. Broyhill.

Are there other questions we can answer?

MR. DOWDY. Thank you very much.

At this point, we will insert into the record the letter of the General Counsel of the Treasury to Chairman McMillan on this proposed legislation.

(The letter referred to follows:)

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., April 4, 1968.

HON. JOHN L. McMILLAN,
*Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Department would like to take this opportunity to comment on H.R. 14430 and H.R. 14448, identical bills, "To establish a Commissioner of Police for the District of Columbia," which are pending before your Committee.

The proposed legislation would consolidate the five separate police forces now operating in the District of Columbia; i.e., the Metropolitan Police, United States Park Police, Capitol Police, White House Police, and National Zoological Park Police. These forces would all be under the complete jurisdiction of a Commissioner of Police appointed for a four-year term by the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly. A nine-member Advisory Commission would also be appointed by the Speaker and the President pro tempore.

The Department would be strongly opposed to the provision in the proposed legislation which would transfer to the Police Commissioner the functions, powers, and duties of the Secretary of the Treasury with respect to the White House Police. As you are aware, section 202, title 3, United States Code provides that the White House Police shall be under the control and supervision of the Secretary of the Treasury and shall perform such duties as the Secretary may prescribe in connection with the protection of the Executive Mansion and grounds, White House offices and the President and members of his immediate family. The Secretary has delegated his functions under the aforementioned statute to the Director of the Secret Service. Pursuant to the provisions of section 3056, of title 18, United States Code, the protection of the President and members of his immediate family is also a statutory responsibility of the Secret Service. It is the Department's position that the protection of the President and his family is best accomplished by placing the responsibility for such protection under the direction and control of one organization. The agency responsible for Presidential protection is the Secret Service. To remove the White House Police from under the direction and supervision of the Secret Service could compromise and weaken the existing protection system, and result in a fragmentation of the authority and responsibility for the protection of the President of the United States.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

FRED B. SMITH,
General Counsel.

Mr. Dowdy. Mr. George W. Brady, President, Federation of Citizens Associations.

STATEMENT OF GEORGE W. BRADY, PRESIDENT, FEDERATION OF CITIZENS ASSOCIATIONS

Mr. BRADY. Mr. Chairman, I have a brief statement which will take ten to twelve minutes. Otherwise I will give you our recommendation and submit the rest of it.

Mr. Dowdy. If you will do that because the bells will be ringing in a moment.

Your statement can be made part of the record and you can brief it.

Mr. BRADY. I would like to say that the Federation is very concerned with the situation of law enforcement and crime in the District of Columbia. We consider that the situation, if you want to define it in one word, is deplorable. Unfortunately we do not detect any favorable trends in spite of the best efforts of the new District Government. We want to support any action by the Congress or in the local government which will improve law enforcement and increase respect for the law.

We submitted a statement to the District Council's Public Safety Committee in August. I would like to make that part of the statement which we submit.

Mr. Dowdy. That may be done.

(The statement referred to follows:)

STATEMENT TO D.C. COUNCIL'S PUBLIC SAFETY COMMITTEE ON ITS REPORT ON POLICE-COMMUNITY RELATIONS

The Federation welcomes this opportunity to present its views on the current law enforcement situation in the District of Columbia. Our comments are directed primarily toward the August 5, 1968 Report of the D.C. Council's Public Safety Committee on Police-Community Relations.

Before making our comments, however, we would like to observe that we were not invited to appear before the Public Safety Committee, nor, so far as I am aware, were our written comments sought. Hence, we do not believe the statement in the report that "written comments were sought from the Community" is entirely accurate. We hope that in the future this and other committees of the Council will desire to have the viewpoint of this Federation and we hereby request that you will let us know when we can be of service.

As I think you are aware this Federation is in its 59th year of service to the city. We currently represent 34 local citizens associations within the District. Our interests cover nearly all facets of city activities from city planning, budget, taxation, and education to public safety, public utilities, and transportation. The comments which I will now make were endorsed by our Executive Board on August 15, 1968.

1. We were very pleased to note the constructive tone of the report of the Council's Committee on Public Safety and in particular its rejection of the radical proposals recently advanced by certain activist groups. This Federation, like the Council, wants the Washington Metropolitan Police Force to be maintained and directed to meet the needs and objectives of our National Capital. We want to see crime reduced and mutual respect between police and the community restored in areas where it is now lacking.

2. We were disappointed that we did not find any words in the report regarding the responsibilities of the individual citizen in maintenance of law and order. Of course we need much better relations between the police and the community ut community relations is a two-way street. One might almost say that the emphasis in the report on the demand for changes in police actions and attitudes would lead one to think that lawlessness is the fault of the police. We believe that one of the greatest problems in our present situation is the breakdown of

respect for the law. We are not sure just how this can be corrected but it certainly will not be done without giving great and continuing emphasis to the fundamental principle of respect for the law. The problem is compounded by recent statements by certain otherwise responsible civil rights leaders that "law and order" are racist words. How can this possibly be accepted? Much is written that the policeman is considered the "enemy" by a segment of the population. How can we overcome this attitude? Perhaps the police are not perfect but their efforts are for the good of the community. Please note that the U.S. Post Office Department has recently joined the fight against crime by issuing a commemorative stamp entitled "Law and Order."

In summary on this point we believe that the City Government should (1) emphasize that the majority of its citizens are law abiding and think that the police are doing a good job; (2) give full support to the police from the top of the Government down; (3) give short shrift to those who attempt to downgrade the police to satisfy their own political aims; (4) give high priority to devising and initiating educational programs to promote respect for the law in those segments of our citizenry who do not now have it; and (5) encourage cooperation with the police. If these actions are successful we will not need one thousand more policemen and elaborate police community relations programs.

Further, we recommend strongly that the Council not accept the Committee's view that "at this point in time the city Government must act on the principle that changes in police attitudes will result in reciprocal attitudes on the part of the public." Rather we believe that active educational programs as just suggested are of at least equal importance and should be conducted in parallel.

3. Because of the extensive publicity given to the proposals of the Black United Front and the Chairman of the Democratic Central Committee we have the responsibility to comment directly on them:

(a) We believe that these proposals spring from a false premise, namely that "the people regard the police as their enemy." This kind of preachment renders a disservice to the cause of better police-community relations.

(b) We believe that policies and actions of the police must be uniform throughout the city. If such vital functions as hiring, firing, promoting, and transferring are placed in the hands of the people in each precinct we can foresee only chaos.

(c) We denounce as extreme racism the suggestion that the Chief of Police be replaced by a Negro. We consider this a grandstand play to gain political capital when in fact it is an act of political irresponsibility. Those who make this suggestion would be the first to uphold the civil service job rights of their political constituents while stripping Chief Layton of his.

(d) The proposals that in certain areas of the city only police of the same color as the majority of the citizens be on patrol are unsound for many reasons, two of which are: first, this would require that boundaries of such areas be defined which would be almost impossible to do and would be unfair to minority groups and; second, such a pattern would promote a new type of segregation which runs counter to all that this country has been trying to accomplish in recent years.

4. We believe that the police recruiting program should proceed on the basis of candidates without regard to race. We do not believe a black-white quota should be set as has been suggested. Equally logical arguments can be made that since this is the Nation's Capital, the black-white ratio should be based on that of the country as a whole rather than on that in the District of Columbia. We would further point out an important reason for hewing to the line in maintaining the highest possible quality of recruits: if the standards are lowered, many of a group which enters with lowered standards will be unable to advance as rapidly as those that do meet the standards. Then, after a few years charges will undoubtedly be heard that this group has been discriminated against in promotions to top jobs. Therefore, we consider it vital that all recruits meet the same established standards.

5. We support the Police Cadet Program and are pleased to see that it is currently targeted to a level of 350 cadets.

6. We endorse the proposal for a study of the citizen advisory mechanism and the development of specific guidelines for citizen involvement. We recommend that these clearly limit the role of the advisory group and not interfere with the authority of the Police Department. We are pleased that the Committee recommends a public hearing on the proposals coming out of this study and we request that the Council give adequate notice of the hearing in order that interested groups will have time to prepare responsive comments.

7. We are aware of pending legislation in the Congress (H.R. 14430 and 14448) which propose to establish "an independent office in the Government of the Dis-

trict of Columbia with the title of Commissioner of Police in the District of Columbia" with responsibility for the Metropolitan Police Force, the Park Police, the White House Police, the Capitol Police, and the National Zoological Park Police. Although the Federation has not as yet taken a position on this proposal we are impressed by Deputy Mayor Fletcher's four reasons for opposing this legislation, namely, a diffusion of authority, reversal of the trend for citizen participation, waste and duplication of administrative functions, and creation of more problems in coordinating the police functions with other associated functions of the City Government. Hence, we will probably oppose this legislation at this time and recommend that it be tabled for approximately one year. If after that time the District Government has not made enough progress in providing adequate law enforcement, then this legislation to shift control of the Police Forces to Congressional control should be reconsidered.

8. Before summarizing our comments I would like to say this with regard to the Chief of Police. We believe that Chief Layton has done and is doing an excellent job for the community. We are aghast at the attacks against him and can only ascribe it to groups bent on destroying our Police Department to create anarchy in the District. Our reaction to the appointment last fall of a Director of Public Safety was that it was a move to downgrade the Police Department and the initial actions of Mr. Murphy when appointed to that position tended to confirm this opinion. We do not say that this is the reason but it is a fact that the worst outbreak of lawlessness in the history of Washington occurred under the new City Government and the Director of Public Safety. We recommend that all members of the District of Columbia Government and of the D.C. Council support our Chief of Police whoever he may be. He is currently Mr. Layton who we believe is doing a good job under difficult conditions and who we are proud to support.

Now, to summarize our comments:

1. We commend the Committee for its report on Community Relations with most of whose recommendations we heartily agree.
2. We urge that the Committee and the Council consider in their policies and actions the importance of finding ways to develop respect for the law in those segments of our citizenry where it is now lacking, while taking, in parallel, actions to improve police procedures.
3. We urge the Council to continue to reject radical proposals which would result in undue influence of local citizen groups over the police.
4. We recommend that standards for police recruiting not be relaxed.
5. We support the Police Cadet Program and its currently planned enlargement.
6. We endorse the review of the Police Advisory mechanism and its consideration by the Council after a public hearing.
7. We oppose at this time proposals to transfer the Metropolitan Police from D.C. Government to Congressional control.
8. We support Chief Layton and call upon the Council to do the same without equivocation.

Mr. BRADY. We covered this question of this particular legislation regarding the establishment of a Commissioner appointed by Congress, and I would like to read in a part from our report.

I might say that the District Council has not as yet adopted the report of their Public Safety Committee. They are holding hearings on it and I think probably they will take some action, but not accept it in toto.

Mr. BRADY (reading). "With regard to the pending legislation in the Congress (H.R. 14430 and 14448) which propose to establish 'an independent office in the Government of the District of Columbia with the title of Commissioner of Police in the District of Columbia' with responsibility for the Metropolitan Police Force, the Park Police, the White House Police, the Capitol Police, and the National Zoological Park Police, although the Federation has not as yet taken a position on this proposal we are impressed by Deputy Mayor Fletcher's four reasons for opposing this legislation, namely, a diffusion of authority, reversal of the trend for citizen participation, waste and duplication of administrative functions, and creation of more problems in

coordinating the police functions with other associated functions of the City government. Hence, we oppose this legislation at this time and recommend that it be tabled for approximately one year. If after that time the District Government has not made enough progress in providing adequate law enforcement, then this legislation to shift control of the Police Forces to Congressional control should be reconsidered."

That is our brief conclusion, Mr. Chairman.

Mr. DOWDY. Thank you.

Mr. BROYHILL. Mr. Brady, you represent the Federation of Citizens Associations of the District of Columbia. There are two Federations. What is the other one?

Mr. BRADY. The District of Columbia Civic Federation.

Mr. BROYHILL. What is the difference between the two?

Mr. BRADY. Our membership is largely white and the membership of the Civic Federation is largely colored. We are not exclusively either, however. Our membership is composed of approximately 34 local area citizen associations throughout the District of Columbia.

Mr. BROYHILL. Thank you very much.

Mr. DOWDY. Without objection, the statement of John R. Immer, Vice President of the Dupont Circle Citizens Association, will be made a part of the record at this point.

(The statement follows:)

STATEMENT OF JOHN R. IMMER, VICE PRESIDENT, DUPONT CIRCLE CITIZENS ASSOCIATION

I am Vice President of the Dupont Circle Citizens Association, and immediate past president of the city-wide Federation of Citizens Associations. On behalf of the Dupont Circle Citizens Association I want to say that we strongly support H.R. 14430 and H.R. 14448, and consider their adoption to be absolutely essential to peace, order, and stability in the inner city areas of Washington, for the following reasons:

1. Crime has risen 175 percent since 1960. There are, or were last year, 2,500 major crimes with guns committed in the District of Columbia last year. This was pointed out by President Johnson in a message to Congress on March 13, 1968. President Johnson said:

"The long shadow of crime falls over the streets of the Nation's Capital, mocking its proud institutions. . . . Crime today is the first problem in the nation's first city. It is on the rise. The rate of increase in January was the lowest in 19 months—but that fact would provide little comfort for the victims of these crimes:—24 murders and rapes—758 automobile thefts—786 robberies and aggravated assaults—1864 burglaries and major larcenies. . . . Last year, almost 2,500 major crimes were committed in the Nation's Capital at gunpoint—murders, assaults and robberies. . . . The proposal I have recommended—the D.C. Gun Control Act—would help bring safety to the District's streets, homes and stores. It would . . . Add ten years imprisonment to the regular penalty when a firearm is used in a robbery or an attempted robbery."

The House adopted the Poff Amendment by a vote of 412 to 11 on July 24, but the Senate adopted a far weaker amendment. Both the *Star*, the *Washington Daily News*, the Washington Board of Trade, the D.C. Police Wives Association, and the D.C. Policemen's Association of the District of Columbia support the Poff Amendment, and it is our hope that the House will insist on this amendment, in conference with the Senate.

We do not think that the Poff Amendment, or the bipartisan bills to establish a Police Commissioner in charge of a unified police force will stop crime completely and forever, but they will help greatly, and they must be adopted by this Congress.

But it is absolutely clear that the National Crime Bill which Senator McClellan and others got through the Congress and the President signed into law in June has not stopped crime.

2. The Omnibus Crime Bill for the District of Columbia signed into law some 9 months ago by the President has not stopped crime in the District of Columbia.

3. The D.C. City Council's gun registration measures, which are now being challenged in the Courts will not stop crime in the District.

4. I might add that I was shocked to read a report in the *Washington Post* of Sept. 2; which declared that, and I quote:

"Jonathan D. Schiller 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer.

"A six-foot, five-inch exponent of the New Left, . . . Schiller . . . Now a \$100-a-week summer intern for the City Council . . . helped turn out the 43-page report on police-community relations that is still being considered by the Council.

"For two weeks, with his Columbia experience still fresh in his mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department."

I am told on good authority, by a highly respected reporter, that Mr. Hechinger and the City Council admits that the *Washington Post* story is accurate, and that Mr. Schiller was hired for this sensitive position in an attempt to rehabilitate him.

This incredible situation cannot be corrected by any legislation short of returning the District Government to the control of the former Board of Commissioners, and completely rescinding the reorganization as suggested by Congressman Sisk earlier this year.

I am delighted that Congressman Broyhill brought this matter to the attention of the Nation by including information on the Schiller case in the *Congressional Record* of September 17, 1968, and roundly condemned the City Council for its position—a position which borders on the frivolous, and makes a mockery of its position on police-community relations.

5. The fifth reason the adoption of H.R. 14430 and H.R. 14448 to establish a Commissioner is essential, is that no other city in the country has a fragmented police force such as we have here in the Nation's Capital.

A unified police force is just as essential to wage a successful war on crime at home as a unified Department of Defense is essential to wage a war against our enemies from abroad.

Let us look at the experience with Resurrection City earlier this year, on the park grounds near the Lincoln Memorial. The City Police had reports, and the newspapers reported the daily incidence of crime, rape, burglary, beatings which took place there. Yet, the Park Police considered and maintained they couldn't enter there to establish law and order. The Metropolitan Police were kept off limits by the Park Service under Secretary of the Interior Udall. The situation rapidly deteriorated.

Finally, the Congress insisted that there was no justification for an enclave on park land which the police could not enter.

As you know, it was the Metropolitan Police which established law and order there. If there had been a unified police force, the situation would not have gotten out of hand.

At Dupont Circle, the park police have stood around with their hands in their pockets while all kinds of unlawful goings-on are permitted. Some months ago, a young white couple were assaulted. Finally, some middle-aged Negroes went to their defense, and called the Metropolitan Police.

The opposition to a unified police force is centered in the very same forces who have maintained that it is "justifiable homicide" to kill white policemen, and who have encouraged this type of lawlessness, who have been responsible for the burning and looting of Washington which has not taken place since the War of 1812 and the British invasion of Washington and their setting fire to the White House.

We love our Nation's Capital. We think the police must be unified so that they can establish "domestic tranquility" guaranteed by the Constitution—but which is so lacking today.

Mr. Dowdy. The Committee will now stand adjourned.
(Thereupon at 12:05 p.m. the Committee adjourned.)

APPENDIX

STAFF MEMORANDUM, MAY 15, 1968—THE APRIL 1968 CIVIL DISTURBANCES IN WASHINGTON

Beginning on the evening of April 4 of this year, the District of Columbia experienced a widespread outbreak of rioting, looting, arson, and destruction of property. When the last Federal troops were withdrawn from the city on April 16, many blocks of the city were a burned-out shambles, with a total of 645 buildings and 283 housing units badly damaged or destroyed. Also, some 909 commercial establishments and their contents were destroyed or damaged.

The commercial areas of 14th Street and 7th Street, N.W., and of H Street, N.E., were particularly hard hit by this wave of vandalism and arson. As a result, many small business establishments in these sections were badly damaged or totally destroyed by fire. Many of the men and women who owned these businesses have lost not only their property, but their sole means of earning a living and their entire life savings as well. While some have recouped a portion of their loss through insurance, few if any of these people will ever be completely reimbursed.

The District estimates that the cost of demolishing and removing these unsafe damaged buildings or parts thereof will be approximately \$300,000.

Total losses of property in the riot-torn areas may never be completely calculated. The latest estimate of losses or damages to "insured" properties alone in the concentrated areas of looting and destruction has been fixed by insured underwriters at \$25 million.

Job losses, business losses, and hotel, restaurant and sightseeing losses, during this the busiest season in Washington likewise have been appalling and presently not determined.

Widespread reports have been received by the Committee of innumerable instances attested to by witnesses, seen personally or on the various TV channels, of looting and plundering in the presence of the police, and subsequently in the presence of troops, with no apparent attempt being made by the police or troops to prevent or control same. What actual orders were issued to the police or troops is not clear from preliminary inquiry.

Estimates of losses from the April 1968 civil disturbances in Washington

ESTIMATED REAL PROPERTY DAMAGE

No. of Buildings Damaged or Destroyed.....	645
No. of Housing Units Damaged or Destroyed.....	283
No. of Commercial Establishments Damaged or Destroyed.....	909
No. of Public and Institutional Establishments Damaged or Destroyed.....	8

These are estimates of losses in the concentrated areas of destruction; scattered damages outside thereof would run 15% of those figures, according to D.C. Government estimates.

OTHER LOSSES

Estimated cost of insured property losses or damages, including inventories, as revised by insured underwriters (making Washington's losses, under these preliminary estimates, higher than those in any other U.S. city) (million).....	\$24
Job losses in riot-torn areas.....	?
(This is an elusive figure. There was testimony before the Committee that on 7th Street alone—one of the several areas of widespread destruction—1,034 people were put out of work.)	
Cost of Federalizing the National Guard and Bringing in 14,000 Army Troops (million).....	\$5.3

ESTIMATES OF COSTS TO THE DISTRICT OF COLUMBIA GOVERNMENT OF THE RECENT DISTURBANCES

Additional costs

Functions	Estimated costs, Apr. 4 to 9	Estimated additional costs, Apr. 10 to June 30	Total
General Operating Expenses.....	\$10,400	\$2,000	\$12,400
Public Safety.....	1,154,900	888,800	2,043,700
Education.....	101,000	-----	101,000
Parks and Recreation.....	52,600	-----	52,600
Health and Welfare.....	220,000	791,000	1,011,000
Highways and Traffic.....	36,400	57,500	93,900
Sanitary Engineering.....	66,200	75,000	141,200
Grand Total.....	1,641,500	1,814,300	3,455,800
Average per day.....	328,300	-----	-----

Estimated losses of revenue

Sources	Fiscal year 1968	Fiscal year 1969	Total
Sales and Excise Tax.....	-\$1,300,000	-\$500,000	-\$1,800,000
Income Taxes.....	-200,000	-250,000	-450,000
Property Taxes.....	-100,000	-350,000	-450,000
Fines and Forfeitures.....	+50,000	+50,000	+100,000
Gasoline Tax.....	-100,000	-----	-100,000
Parking Meters.....	-50,000	-----	-50,000
Totals.....	-1,700,000	-1,050,000	-2,750,000
Average per day.....	340,000	-----	-----

Source: District of Columbia Government Executive Office, Apr. 30, 1968.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., May 3, 1968.**

MR. JAMES T. CLARK,
Clerk, Committee on the District of Columbia, U.S. House of Representatives.

DEAR MR. CLARK: Attached is a breakdown of the costs incurred during the civil disturbances by the District agencies from the period April 4 through April 9, 1968, and the projected additional costs.

You will note that the footnotes on pages 3, 4 and 5 indicate the purpose for which the money was used.

D. P. HERMAN, Budget Officer, D.C.

**SUMMARY OF INDICATIONS OF AGENCY COSTS OF DISTRICT OF COLUMBIA CIVIL DISTURBANCE—
APRIL 4 THROUGH 9, 1968**

Areas	Total incurred and additional costs	Costs incurred to date (April 4-9)	Additional costs estimated, April 10- June 30, 1968	Amount that can be absorbed by agencies	Additional funds required
General Operating Expenses..	\$12,364	\$10,364	\$2,000	\$12,364	-----
Public Safety.....	¹ 2,043,658	¹ 1,154,872	888,786	32,828	¹ \$2,011,130
Education.....	1101,000	1101,000	-----	86,000	¹ 15,000
Parks and Recreation.....	52,570	52,570	-----	52,570	-----
Health and Welfare.....	1,011,000	220,000	791,000	210,000	801,000
Highways and Traffic.....	93,940	36,440	57,500	9,000	84,940
Sanitary Engineering.....	141,156	66,156	75,000	-----	141,156
Grand Total.....	3,445,688	1,641,402	1,814,286	402,462	3,053,226
Operating Total.....	3,430,688	1,616,402	1,814,286	402,462	¹ 3,028,226
Capital Outlay.....	25,000	25,000	-----	-----	25,000

¹ Indicates figure includes "Capital outlay costs." See explanations for details.

² Indicates total includes anticipated \$200,000 grant from Federal Government to Licenses and Inspections Agency to help finance the estimated \$300,000 costs of razing dangerous buildings and removing debris.

INITIAL INDICATION OF AGENCY COSTS OF DISTRICT OF COLUMBIA CIVIL DISTURBANCE—APRIL 4-9, 1968

Agency Reference Number	Agency	Total Incurred and Additional Costs to Agency	Costs incurred to date (April 9, 1968)	Additional Estimated— April 10 to June 30, 1968	Amount that can be absorbed by agency from current Appropriations	Additional Funds required
General Operating Expenses:						
1	Executive Office.....	500	500	-----	500	-----
1A	City Council.....	-----	-----	-----	-----	-----
2	General Administration.....	-----	-----	-----	-----	-----
3	Regulatory Agencies.....	-----	-----	-----	-----	-----
3-3	Death Investigations.....	532	532	-----	532	-----
3-11	Human Relations.....	400	400	-----	400	-----
4	Occupations and Pro- fessions.....	-----	-----	-----	-----	-----
5	Public Library.....	-----	-----	-----	-----	-----
6	Veterans Affairs.....	-----	-----	-----	-----	-----
7	Buildings and Grounds.....	10,932	8,923	2,000	10,932	-----
8	Surveyor.....	-----	-----	-----	-----	-----
Total, General Operating Expenses.....		12,364	10,364	2,000	12,364	-----
Public Safety:						
9	Corporation Counsel.....	11,000	2,500	8,500	11,000	-----
10	Metropolitan Police.....	1,228,564	823,564	405,000	-----	1,228,564
11	Fire Department.....	290,375	190,376	100,000	-----	290,376
12	Civil Defense.....	2,000	1,130	870	595	1,405
13-1	Juvenile Court.....	-----	-----	-----	-----	-----
13-2	Court of General Sessions.....	18,381	14,465	3,916	18,381	-----
13-7	Bail Agency.....	2,552	2,552	-----	2,552	-----
13-6	Legal Aid.....	-----	-----	-----	-----	-----
13-5	U.S. Courts.....	-----	-----	-----	-----	-----
14	Corrections.....	161,704	101,704	60,000	-----	161,704
15	Licenses and Inspections.....	329,081	18,581	310,500	-----	329,081
16	National Guard.....	-----	-----	-----	-----	-----
Total Public Safety.....		2,043,658	1,154,872	888,786	32,528	2,011,130
Education:						
17	Public schools.....	101,000	101,000	-----	86,000	15,000
17A	Federal City College.....	-----	-----	-----	-----	-----
17B	Washington Technical Institute.....	-----	-----	-----	-----	-----
Total Education.....		101,000	101,000	-----	86,000	15,000
Parks and Recreation:						
18	Recreation.....	1,920	1,920	-----	1,920	-----
19	National Capital Parks.....	50,000	50,000	-----	50,000	-----
20	National Zoological Park.....	650	650	-----	650	-----
Total Parks and Recreation.....		52,570	52,570	-----	52,570	-----
Health and Welfare:						
21	Vocational Rehabilitation.....	-----	-----	-----	-----	-----
22	Public Health.....	-----	-----	-----	-----	-----
23	Public Welfare.....	1,011,000	220,000	791,000	210,000	801,000
Total Health and Welfare.....		1,011,000	220,000	791,000	210,000	801,000
Highways and Traffic:						
24	Highways and Traffic.....	93,940	36,440	57,500	9,000	84,940
25	Motor Vehicles.....	-----	-----	-----	-----	-----
26	Motor Vehicle Parking.....	-----	-----	-----	-----	-----
Total Highways and Traffic.....		93,940	36,440	57,500	9,000	84,940
Sanitary Engineering:						
27	Sanitary Engineering.....	137,511	62,511	75,000	-----	137,511
28	Washington Aqueduct.....	3,645	3,645	-----	-----	3,645
Total Sanitary Engi- neering.....		141,156	66,156	75,000	-----	141,156
Grand Total—All Agencies.....		3,455,688	1,641,402	1,814,286	402,462	3,053,226
Operating Total.....		3,430,688	1,616,402	1,814,286	402,462	3,028,226
Capital Outlay.....		25,000	25,000	-----	-----	25,000

¹ Indicates figure includes Capital Outlay Funds.² Indicates figure includes estimated \$200,000 Grant from Federal Government to Licenses and Inspections agency to help finance the estimated \$300,000 costs of razing dangerous buildings and removing debris.

Agency Cost Explanation—For Costs Related to Civil Disturbance—April 4-9, 1968

1. Executive Office (\$500).....	This was for overtime costs for clerical help.
3-3 Death Investigations (\$532).....	This was for overtime costs for clerical help and junior professional staff.
3-11 Human Relations (\$400).....	This was for overtime costs for clerical help and junior professional staff.
7 Buildings and Grounds (\$10,932).....	The to-date costs of \$8,932 was for overtime costs incurred in providing additional guards around the clock for the District buildings and the Municipal Center. An additional \$2,000 is needed for overtime costs incurred after April 9. The full costs of \$10,932 will be met from within available funds.
9 Corporation Counsel (\$11,000).....	Of this sum, \$2,500 was for overtime costs to date. An additional \$8,500 overtime costs are expected in connection with further legal actions.
10 Metropolitan Police (\$1,228,564).....	The costs to date total \$823,564 which are divided as follows: (a) Personnel overtime: \$645,000; (b) Materials: \$98,473; (c) Additional equipment and damage to equipment: \$63,174; (d) Other miscellaneous: \$16,917. Future estimated costs total \$405,000, of which overtime accounts \$265,000; pay for additional days associated with a temporary six-day work week: \$90,000; and Court time pay: \$50,000.
11 Fire (\$290,376).....	The costs to date of \$190,370 include overtime pay: \$137,500, compensatory time: \$30,000; sick leave costs of \$2,500; supplies and service costs of \$10,191; damaged equipment: \$10,185. The additional \$100,000 estimated need is to meet overtime costs for the days of April 10-13, 1968.
12 Civil Defense (\$2,000).....	The primary expense was for operating the Emergency Communications System Headquarters around the clock. This agency can absorb \$595 but requires \$1,405 of additional funds to meet the incurred costs which it can not absorb.
13-1 Juvenile Court.....	No significant costs have been incurred nor are expected that can not be absorbed as part of the regular program. There were few referrals from the Juvenile Division of the Metropolitan Police.
13-2 Court of General Sessions (\$18,381).....	A total of \$17,181 was for personnel compensation and benefits and \$1,200 was for miscellaneous expenses. The Court expects to be able to absorb these additional costs in full.
13-7 D.C. Bail (\$2,552).....	A total of \$2,408 was for overtime and \$144 was for materials. These costs can be absorbed in full.
13-6 Legal Aid.....	Although the attorneys of this agency worked over the week end in providing representation in the Courts for indigent defendants apprehended during the disturbance the agency will incur no additional expense because the attorneys are paid on a yearly basis rather than by the hour.
14 Corrections (\$161,704).....	The costs to date of \$101,740 were to provide \$44,000 for overtime and compensatory time; \$35,000 for equipment and supplies lost to fire; \$12,740 for additional equipment and supplies purchased; and \$10,000 building damage due to fire. It is estimated that an additional \$60,000 will be needed for overtime costs. CAPITAL OUTLAY of \$10,000 will be needed for repairs of building damaged by fire. Most of these costs were incurred due to a "sympathy demonstration" by inmates.
15 Licenses and Inspections (\$329,081).....	Costs to date of \$18,581 were mainly for equipment (\$16,223) associated with Licenses and Inspections work on the spot. Personnel overtime payments costs \$2,358. It is estimated that an additional \$310,500 will be needed; \$10,500 for expected overtime payments and \$300,000 for removing unsafe buildings and removing debris from razed buildings if owners are unable to do so and refuse to do so. The Federal Government is making grant funds available to finance ¾ of this cost.
17 Public Schools (\$101,000).....	A sum of \$80,000 was needed for custodial overtime to keep the schools open and lighted. The other costs include \$1,000 for fire damage to the stage at Evans Junior High School; \$2,000 for glass breakage; at Wheatley, Coummel and Cardozo schools; \$3,000 for small pilferage; and \$15,000 for fire damage at Harris school. CAPITAL OUTLAY of \$15,000 is needed to repair Harris School area damaged by fire. This agency will absorb the \$86,000 operating costs.
19 National Parks (\$53,000).....	Of this total \$50,000 was for overtime for the Park Police and \$3,000 was for restoring areas used by Military Forces.
20 National Zoological Park (\$650).....	This was for overtime costs.
23 Public Welfare (\$1,011,000).....	The estimated costs are detailed below:

	To date	To date through June 30
Food and related services.....	\$206,734	\$326,000
Overtime.....	9,347	38,000
Public assistance.....		56,000
Crisis assistance.....		30,000
Family Emergency Services.....		120,000
Temporary assistance for unemployed parents.....		203,000
Emergency help.....		18,000
Trucking services, gas and oil.....	3,919	
Total.....	220,000	791,000

24	Highways and Traffic (\$93,940).....	Of the \$36,440 costs to date, \$25,385 was for labor and \$11,555 was for materials and operating expenses. Future costs of \$57,500 are expected to repair damage to streets, sidewalks and trees.
27	Sanitary Engineering (\$137,511).....	Of the \$62,511 costs to date, \$60,503 was for overtime; \$1,600 was for contract costs at Kenilworth Land fill, and \$408 was for equipment costs. It is estimated that an additional \$75,000 will be needed to meet labor costs, including overtime payments, through June 30.
28	Washington Aqueduct (\$3,145).....	These costs were for small repairs and labor. This agency cannot absorb these additional costs.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, May 8, 1968.**

**MR. JAMES T. CLARK,
Clerk, House District Committee,
Longworth House Office Building,
Washington, D.C.**

DEAR MR. CLARK: Following up on my letter of April 29, 1968 concerning the costs of the recent disturbances, I now have some figures for the cost of federalizing the National Guard and bringing in Army troops. They are as follows:

Gross Cost.....	\$5, 394, 072
Less:	
Normal Costs.....	(2, 966, 255)
Offset Costs.....	(246, 440)
Net Cost.....	2, 181, 377

The normal costs are those which would have been expended for paying Army troops and their other costs wherever they would have been located. The offset costs are for items which were issued and subsequently returned after the disturbances. It is of interest that one of the largest costs was that of transportation, which was \$1,050,960.

These costs included the cost of federalizing the National Guard, although the costs thereof other than salaries has not been computed. The pay for the National Guardsmen was \$232,983.

I trust this information will be of assistance to you and the Committee.

Sincerely yours,

THOMAS W. FLETCHER.

**AUTHORITY FOR USE OF TROOPS IN THE SUPPRESSION OF RIOTS
(D.C. Code, Title 39, Sec. 603)**

When there is in the District of Columbia a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force or violence to break and resist the laws, or when such tumult, riot, or mob is threatened, it shall be lawful for the Commissioners of the District of Columbia, or for the United States marshal for the District of Columbia, to call on the commander-in-chief to aid them in suppressing such violence and enforcing the laws; the commander-in-chief shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus ordered out by proper authority for any such duty shall be liable to civil or criminal prosecution for any act done in the discharge of his military duty. (Mar. 1, 1889, 25 Stat. 778, ch. 328 § 45; Feb. 18, 1909, 35 Stat. 634, ch. 146, § 48.) (See also U.S. Code, Title 32)

ARRESTS BY THE METROPOLITAN POLICE DEPARTMENT, GOVERNMENT OF THE DISTRICT OF COLUMBIA

By Day, March 30 through April 14, 1968

	March					April													
	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14			
Criminal homicide.....	1		1	1				1		1		2					1	1	
Rape.....		1		1			1		1			6							
Robbery.....	9	18	6	8	6	5	8	2		6	5	2		4	2		2		
Aggravated assault.....	5	4	11	11	3	3	3	6	3	5	3	2	3	2	4		3		
Housebreaking.....	4	13	12	5	16	13	460	276	86	24	14	25	30	31	13		22		
Larceny.....	14	3	21	14	22	6	15	6	1	2	2	7	9				3		
Auto theft.....	3	5	1	2	1	6		6	3	4	3	3	8	7	1		1		
Arson.....							3		1			1							
Curfew violation.....							253	1,116	1,024	781	470	165	164	76					
Other felonies and misdemeanors.....	214	143	133	133	106	98	429	340	302	131	105	186	174	142	181	141			
Total.....	250	187	185	175	154	131	1,172	1,753	1,421	953	603	391	396	262	202	174			

1 The riots and looting started during the evening of Thursday, April 4, 1968.

DISTRICT OF COLUMBIA FIRE DEPARTMENT

BUILDING FIRES—MARCH 30 TO APRIL 14, 1968

March:		April—Continued	
30.....	18	9.....	4
31.....	12	10.....	19
April:		11.....	23
1.....	10	12.....	16
2.....	15	13.....	13
3.....	8	14.....	20
4.....	13		
5, 6, 7.....	488	Total.....	668
8.....	9		

Total number of fires between March 30, 1968 and April 14, 1968, both dates inclusive..... 1,180

Number of BUILDING fires between March 30, 1968 and April 14, 1968, both dates inclusive..... 668

BUILDING FIRES

	1967	1968
January.....	289	294
February.....	311	329
March.....	320	339
April.....	295	880
Total.....	1,215	1,842

FALSE ALARMS

March:		April—Continued	
30.....	37	8.....	27
31.....	29	9.....	20
April:		10.....	29
1.....	23	11.....	28
2.....	17	12.....	33
3.....	18	13.....	31
4.....	31	14.....	27
5.....	13		
6.....	12	Total.....	391
7.....	16		

Hotel losses since April 1968, due to civil disorders and poor people's encampment**Loss of Business:**

April-----	\$2,000,000
May-----	1,500,000
June-----	1,750,000

Personnel loss: 875 less employees (in 31 hotels) today than normal for this time of year; \$311,000 per month payroll loss to employees; and \$8,000 per month loss in taxes to District of Columbia Government.

Type of Continuing Reservation Cancellation: Elks Convention scheduled for July, 1969, which had reserved 5,000 hotel rooms—canceled.

JUNE 11, 1968.

EXECUTIVE COMMUNICATIONS DEALING WITH THE DISTURBANCES, CALLING OUT THE TROOPS, ETC.

EXECUTIVE ORDER PROVIDING FOR THE RESTORATION OF LAW AND ORDER IN THE WASHINGTON METROPOLITAN AREA

Whereas I have today issued Proclamation No. 3840, calling upon persons engaged in acts of violence and disorder in the Washington metropolitan area to cease and desist therefrom and to disperse and retire peaceably forthwith; and

Whereas the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed:

Now, therefore, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces under the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code and Section 301 of Title 3 of the United States Code, and by virtue of the authority vested in me as commander-in-chief of the militia of the District of Columbia by the Act of March 1, 1889, as amended (D.C. Code, Title 39), it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to disperse all persons engaged in the acts of violence described in the proclamation, to restore law and order, and to see that the property, personnel and functions of the Federal Government, of embassies of foreign governments, and of international organizations in the Washington metropolitan area are protected against violence or other interference.

SECTION 2. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SECTION 3. (a) The Secretary of Defense is hereby authorized and directed to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, units or members of the Army National Guard and of the Air National Guard to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. Units or members may be relieved subject to recall at the discretion of the Secretary of Defense. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use units and members called or recalled into active military service of the United States pursuant to this section.

(b) In addition, in carrying out the provisions of Section 1, the Secretary of Defense is authorized to exercise any of the powers vested in me by law as commander-in-chief of the militia of the District of Columbia, during such time as any units or members of the Army National Guard or Air National Guard of the District shall not have been called into the active military service of the United States.

SECTION 4. The Secretary of Defense is authorized to delegate to one or more of the Secretaries of the military Departments any of the authority conferred upon him by this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, April 5, 1968.

LAW AND ORDER IN THE WASHINGTON METROPOLITAN AREA

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas I have been informed that conditions of domestic violence and disorder exist in the District of Columbia and threaten the Washington metropolitan area, endangering life and property and obstructing execution of the laws, and

that local police forces are unable to bring about the prompt cessation of such acts of violence and restoration of law and order; and

Whereas I have been requested to use such units of the National Guard and of the Armed Forces of the United States as may be necessary for those purposes; and

Whereas in such circumstances it is also my duty as Chief Executive to take care that the property, personnel and functions of the Federal Government, of embassies of foreign governments, and of international organizations in the Washington metropolitan area are protected against violence or other interference:

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do command all persons engaged in such acts of violence to cease and desist therefrom and to disperse and retire peaceably forthwith.

In witness whereof, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-second.

THE WHITE HOUSE.

LYNDON B. JOHNSON.

JOINT MESSAGEFORM				RESERVED FOR COMMUNICATION CENTER	
SECURITY CLASSIFICATION TOP SECRET				DEPARTMENT OF THE ARMY STAFF COMMUNICATIONS DIVISION COMMUNICATIONS SECTION	
TYPE MSG	BOOK	MULTI	SINGLE		
		M			
PRECEDENCE				1203 APR 6 01 39Z	
ACTION IMMEDIATE				DTG	
INFO IMMEDIATE					
FROM: DA				SPECIAL INSTRUCTIONS	
TO: GEN RALPH E. HAINES, JR. VICE CHIEF OF STAFF, UNITED STATES ARMY METROPOLITAN POLICE HQ WASH, D. C. - COURIER INFO: CNO - COURIER CSAF - COURIER CGUSCONARC CINCAFSTRIKE CGUSAONE FT MEADE, MD CGUSATHREE FT MCPHERSON CGUSAFIVE FT SHERIDAN CGUSASIX SFERN CALIF CG XVIII ABN CORPS FT BRAGG, N.C. CG III CORPS FT HOOD, TEX. CG MDW WASH D. C. - COURIER CINCSSTRIKE CGUSAMC CGUSACDC CGUSASA CGUSAINTC FT HOLABIRD MD. CGUSASTRATCOM FT HUACHUCA ARIZ. CG DC NG DC ARMORY WASH D. C. - COURIER				DISTR: ARSTAF Plus: SECDEF OSA CLL TIG CINFO USCONARC LNO USAINTC LNO NMCC	
CONFIDENTIAL DA858662 From GEN Harold K. Johnson, Chief of Staff, United States Army				DATE TIME	
1. (C) For immediate action by TF WASHINGTON Commander.				MONTH YEAR	
2. (C) This letter of instruction is effective at once.				Apr 68	
3. (C) You are designated Commander of TF WASHINGTON. Your mission is to restore and maintain law and order in Washington, D.C. metropolitan area. Initial Army units for TF WASHINGTON are 1/3 Inf,				PAGE NO. NO. OF PAGES	
1				7	
TYPED NAME AND TITLE		PHONE	SIGNATURE		
ROBERT G. WOOLEYHAN		50441x252	<i>Robert G. Wooleyhan</i>		
L.C., GS			TYPED NAME AND TITLE		
OPS, OD ACC			JOHN J. HENNESSEY, Brigadier General, GS		
			Deputy Director of Operations, ODCSOPS		
SECURITY CLASSIFICATION		REGRADE INSTRUCTIONS			
TOP SECRET					

ABBREVIATED JOINT MESSAGEFORM and/or CONTINUATION SHEET				SECURITY CLASSIFICATION CONFIDENTIAL	
PRECEDENCE		RELEASED BY		DRAFTED BY	
ACTION		IMMEDIATE		PHONE	
INFO		IMMEDIATE			
1/6th ACR, 91st Engr, USMC Bn (SDT) (PROV), 344th Sup and Sv Bn (PROV) (Ft Lee), 714th Trans Bn (PROV) (Ft Eustis). Assume command of District of Columbia National Guard which has been federalized under Presidential authority. Be prepared to assume command of additional active Army units which may be ordered to the Washington, D.C. area. a. In carrying out your duties, you will be directly responsible to the Chief of Staff, US Army. You will establish your command post initially at Washington, D. C. Metropolitan Police Station and report subsequent locations. You are authorized direct communication with Army, Air Force and Navy installations commanders in the vicinity of your operation. b. Minimum force, consistent with mission accomplishment, will be used by both military and civilian personnel. Moreover, commanders and their personnel will avoid appearing as an invading, alien force rather than a force whose purpose is to restore order with a minimum loss of life and property and due respect for the great number of citizens whose involvement is purely accidental.					
ITROL NO.	TOR/TOD	PAGE NO.	NO. OF PAGES	MESSAGE IDENTIFICATION	
		2	7		
REGARDING INSTRUCTIONS				SECURITY CLASSIFICATION CONFIDENTIAL	

ABBREVIATED JOINT MESSAGEFORM and/or CONTINUATION SHEET				SECURITY CLASSIFICATION: CONFIDENTIAL																																											
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ION	IMMEDIATE																																														
INFO	IMMEDIATE																																														
Personnel must be civil; the use of epithets and degrading language will not be tolerated. c. The following options are provided as guidance for determining how your troops may be armed to accomplish your mission using the minimum force principle enumerated in the preceding paragraph. <table border="1"> <thead> <tr> <th>OPTION</th> <th>RIFLE</th> <th>BAYONET SCABBARD</th> <th>BAYONET</th> <th>AMMUNITION MAGAZINE/ CLIP</th> <th>CHAMBER</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>At Sling</td> <td>On Belt</td> <td>In Scabbard</td> <td>In Pouch on Belt</td> <td>Empty</td> </tr> <tr> <td>2.</td> <td>At Port</td> <td>On Belt</td> <td>In Scabbard</td> <td>In Pouch on Belt</td> <td>Empty</td> </tr> <tr> <td>3.</td> <td>At Port</td> <td>On Bayonet</td> <td>Fixed</td> <td>In Pouch on Belt</td> <td>Empty</td> </tr> <tr> <td>4.</td> <td>At Port</td> <td>On Belt</td> <td>Fixed</td> <td>In Pouch on Belt</td> <td>Empty</td> </tr> <tr> <td>5.</td> <td>At Port</td> <td>On Belt</td> <td>Fixed</td> <td>In the Weapon</td> <td>Empty</td> </tr> <tr> <td>6.</td> <td>At Port</td> <td>On Belt</td> <td>Fixed</td> <td>In the Weapon</td> <td>Round Chambered</td> </tr> </tbody> </table> d. Military personnel will not load or fire their weapons except when authorized by an officer in person; when authorized in advance by an officer under certain specific conditions; or when required to save their lives. e. Authority to order use of the riot control agents is delegated to you. You are authorized to delegate this authority to commissioned officers.						OPTION	RIFLE	BAYONET SCABBARD	BAYONET	AMMUNITION MAGAZINE/ CLIP	CHAMBER	1.	At Sling	On Belt	In Scabbard	In Pouch on Belt	Empty	2.	At Port	On Belt	In Scabbard	In Pouch on Belt	Empty	3.	At Port	On Bayonet	Fixed	In Pouch on Belt	Empty	4.	At Port	On Belt	Fixed	In Pouch on Belt	Empty	5.	At Port	On Belt	Fixed	In the Weapon	Empty	6.	At Port	On Belt	Fixed	In the Weapon	Round Chambered
OPTION	RIFLE	BAYONET SCABBARD	BAYONET	AMMUNITION MAGAZINE/ CLIP	CHAMBER																																										
1.	At Sling	On Belt	In Scabbard	In Pouch on Belt	Empty																																										
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3.	At Port	On Bayonet	Fixed	In Pouch on Belt	Empty																																										
4.	At Port	On Belt	Fixed	In Pouch on Belt	Empty																																										
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6.	At Port	On Belt	Fixed	In the Weapon	Round Chambered																																										
CONTROL NO.	TOR/TOD	PAGE NO. 3	NO. OF PAGES 7	MESSAGE IDENTIFICATION																																											
REGRADING INSTRUCTIONS				SECURITY CLASSIFICATION: CONFIDENTIAL																																											

DD FORM 173-1

REPLACES EDITION OF 1 MAY 52 WHICH WILL BE USED.

ABBREVIATED JOINT MESSAGEFORM and/or CONTINUATION SHEET				SECURITY CLASSIFICATION CONFIDENTIAL CONFIDENTIAL	
PRECEDENCE		RELEASED BY	DRAFTED BY		PHONE
A. ION IMMEDIATE					
INFO IMMEDIATE					
at your discretion. Riot control agents should be used to accomplish your mission before live ammunition. f. You are authorized to use force to prevent looting and to detain persons caught in the act of looting. The amount of force which may be used is that which is reasonably necessary under the circumstances. Warning shots will not be fired; however, when shooting is necessary, shots will be aimed to wound rather than to kill. Looters present a particular problem since women and children may be involved and the articles looted may be of little value. The looter is not necessarily sympathetic toward the views of those who otherwise participate in the disturbance. There is no satisfactory predetermination as when firearms should be employed to stop looting beyond continued emphasis on the absolute necessity of using minimum force and avoiding the use of firearms except as a last resort and under the rules established here and in paragraphs d and e above. g. Snipers may also present a particular problem since the normal reflex actions of the well-trained combat soldier are to respond with an overwhelming mass of firepower. Experience indicates that in general this tactic endangers innocent people more than snipers and that the preferred tactic is to enter the building from which sniper fire originates. It also indicates that darkening the streets in order to gain protection from sniper fire is counterproductive. The following general approach should be emphasized in dealing with snipers:					
CONTROL NO.	TOR/TOD	PAGE NO. 4	NO. OF PAGES 7	MESSAGE IDENTIFICATION	INITIALS
REGRADING INSTRUCTIONS				SECURITY CLASSIFICATION CONFIDENTIAL CONFIDENTIAL	

DD FORM 173-1

REF: AEE1 EDITION OF 1 MAY 58 WHICH WILL BE USED.

ABBREVIATED JOINT MESSAGEFORM and/or CONTINUATION SHEET				SECURITY CLASSIFICATION CONFIDENTIAL	
PRECEDENCE		RELEASED BY	DRAFTED BY		PHONE
ACTION IMMEDIATE					
INFO IMMEDIATE					
(1) Surround the building where sniper is concealed and gain access, using APC if necessary and available. (2) Employ CS initially rather than small arms fire. If CS is not successfully employed, then use well-aimed fire by expert marksmen. (3) Illuminate the area during darkness. h. Be prepared to receive assistance from certain active Army forces specifically designated to provide tactical, administrative, and logistical support. i. Department of Justice (DOJ) representative will be contacted as required for advice on matters of legal policy. DOJ point of contact, Mr. James McTiernan, will be located at or near your CP (exact location to be announced). j. Presidential representative on the scene is Mr. Cyrus Vance. You will be responsive to his instructions and inform the Chief of Staff, US Army, promptly of instructions received and actions taken in accordance therewith. k. Should a situation arise necessitating the detention of civilian personnel, DOJ personnel, possibly in collaboration with civilian police, will operate and maintain or provide for detention facilities. Whenever possible, US Marshals (or civilian police) should take civilian personnel (ring leaders, violators) into custody. When it becomes necessary for					
CONTROL NO.	TOP/TOO	PAGE NO.	NO. OF PAGES	MESSAGE IDENTIFICATION	
		5	7		
REGARDING INSTRUCTIONS				SECURITY CLASSIFICATION CONFIDENTIAL	

DD FORM 173-1

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INFO	IMMEDIATE			

Army personnel to take this action they will immediately seek a US Marshal (or civil policeman) to take over such custody on the spot or at a detention center. In the event the number of civilian personnel taken into custody exceeds the capability of DOJ (or civil police) to detain them, your forces will provide temporary detention facilities until DOJ (or civil police) can continue to receive them.

1. Searches of individuals or private property (including automobiles) may be conducted only after you have determined that such searches are reasonably necessary to the accomplishment of your mission. That determination must be based upon either a review of the evidence forming the basis of the request for the search or your own preliminary investigation. Searches should be conducted by the following personnel in the order indicated, if available:

- (1) Municipal law enforcement officials.
- (2) Representatives of the Department of Justice.
- (3) Task Force personnel.

m. You will cooperate with and assist municipal law enforcement officers to assume their normal roles. In this regard, you will not take orders from state or municipal civil authorities.

n. The Assistant Chief of Staff for Communications-Electronics will be responsible for communications facilities between your CP location and the Army Operations Center, Washington, D.C. Direct communication with DA

INSTRAL NO.	TON/TOO	PAGE NO. 6	NO. OF PAGES 7	MESSAGE IDENTIFICATION	INITIALS
RECHARGING INSTRUCTIONS				SECURITY CLASSIFICATION CONFIDENTIAL	100-2100

DD FORM 173-1

REPLACES EDITION OF 1 MAY 55 WHICH WILL BE USED.

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ACTION					
IMMEDIATE					
INFO					
IMMEDIATE					
is authorized and directed. p. You will ensure that DA is fully informed of operations through the submission of: (1) Interim telephonic reports on major changes or significant events which warrant the immediate attention of Headquarters, DA. (2) Written situation reports covering a 12 hour period, commencing 060001 hours Apr, local time. 4. (C) Future teletype correspondence on this operation will be prefaced by the words "Task Force WASHINGTON". 5. (U) Acknowledge receipt of this letter to Team Chief, Army Operations Center, Pentagon, Washington, D. C. (OX 50441x215). CP-4					
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CODE OF FEDERAL REGULATIONS

TITLE 36—CHAPTER 1, NATIONAL PARK SERVICE

Part 50—National Capital Park Regulations

Sec.	
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50.2	Applicability of Federal laws.
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50.46a	Discrimination in employment practices.
50.47	Installation permits.
50.48	Making false reports to the United States Park Police.
50.49	Dangerous weapons.
50.50	Fires.
50.51	Sanitation.
50.101	Schedule of minimum collateral (General Order No. 68).

AUTHORITY : The provisions of this Part 50 issued under sec. 6, 30 Stat. 571, secs. 1-3, 39 Stat. 535, as amended, sec. 16, 43 Stat. 1126, as amended, 62 Stat. 81, secs. 1, 2, 67 Stat. 495, 496 ; 8 D.C. Code 143, 16 U.S.C. 1, 1b, 1c, 2, 3, 40 D.C. Code 613.

SOURCE : The provisions of this Part 50 appear at 24 F.R. 11014, Dec. 30, 1959, unless otherwise noted. Redesignated at 31 F.R. 16655, Dec. 29, 1966.

§ 50.1 Applicability of regulations.

This part applies to all park areas administered by National Capital Parks, National Park Service, in the District of Columbia, Maryland and Virginia, and to other Federal reservations in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the act of March 17, 1948 (62 Stat. 81).

§ 50.2 Applicability of Federal laws.

In all areas to which this part is applicable all Acts shall be enforced insofar as applicable.

§ 50.3 Applicability of District of Columbia and State laws.

(a) The laws and regulations promulgated for the District of Columbia shall be enforced, insofar as applicable, in all park areas within the District of Columbia.

(b) In areas to which this part is applicable, located outside the geographical limits of the District of Columbia, the laws of the State within which the area is located shall be invoked and enforced in accordance with the act of June 25, 1948 (62 Stat. 686; 18 U.S.C. sec. 13).

§ 50.4 Definitions.

As used in this part, unless otherwise indicated:

(a) Under the regulations, the term "park area" means any and all developed and undeveloped grounds, playgrounds, plazas, squares, circles, triangles, islands, ways, streets, sidewalks, roads, boulevards, parkways, canals, waters, buildings, monuments, structures and other properties administered by National Capital Parks, National Park Service, including such park areas as herein defined as are used by the District of Columbia Recreation Board pursuant to agreement with the National Capital Parks, National Park Service.

(b) The term "other Federal reservations" means Federal areas, which are not under the administrative jurisdiction of the Department of the Interior, located in Arlington and Fairfax Counties and the City of Alexandria in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of such areas by the United States Park Police is specifically requested by the Secretary of Defense or his designee.

(c) The term "environs of the District of Columbia" embraces Arlington and Fairfax Counties and the City of Alexandria, in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties, in Maryland.

(d) The term "Secretary" means the Secretary of the Interior.

(e) The term "Director" means the Director of the National Park Service or his authorized representative.

(f) The term "Superintendent" means the Superintendent of National Capital Parks or his authorized representative.

(g) The term "official permit" means permits issued by authorized officials of the agency having control or jurisdiction of the Federal area involved.

(h) The term "official sign" means any sign or signs posted by order of authorized officials of the agency having control or jurisdiction of the Federal area involved.

(i) The term "person" includes individuals, partnerships, firms, corporations, and voluntary associations.

(j) The term "driver" means the rider, driver, or leader of any horse or other riding or draft animal, a person who pushes, draws or propels a vehicle, and the operator of a motor-propelled vehicle.

(k) The term "horse" means by riding or draft animal or beast of burden.

(l) The term "park road" means any street, road, highway or public thoroughfare in any Federal area covered by this part.

(m) The term "vehicle" means any conveyance or animal customarily used for the purpose of riding or driving.

(n) The term "commercial vehicle" means any vehicle designed or used for carrying freight or merchandise for or without hire.

(o) The term "parking" means any vehicle left standing, whether or not attended, except when standing in obedience to traffic regulations, signs or signals, or to a police officer.

§ 50.5 Penalties.

(a) *Regulations in this part.* Any person violating any of the provisions of this part, except violations of traffic and motor vehicle regulations in park areas in the District of Columbia, shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not exceeding six months or both.

(b) *Traffic violations in District of Columbia.* Any person violating any of the provisions of the traffic and motor vehicle regulations contained in this part in park areas in the District of Columbia, except where a penalty is otherwise provided, shall, upon conviction thereof, be punished by a fine of not more than \$300 or imprisonment of not more than 10 days or both.

(c) *Statutes; other applicable regulations.* Any person violating any act of Congress or State law adopted pursuant to an act of Congress or rule or regula-

tion promulgated by other Federal officials, the Commissioners of the District of Columbia, or other municipal officials, which is in force and applicable to any area covered by this part shall, upon conviction, be punished in accordance with the penalty provisions of such act, rule or regulation.

(d) *Violation of terms of permits.* Any person violating any of the terms of the official permit referred to in § 50.19 shall be deemed to be in violation of that section and shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not exceeding 6 months, or both.

[24 F.R. 11014, Dec. 30, 1959, as amended at 31 F.R. 6264, April 23, 1966]

§ 50.6 Place of trial.

Any person violating any of the regulations contained in this part in park areas within the District of Columbia is subject to prosecution and trial in the Municipal Court for the District of Columbia. Any person violating any of the regulations contained in this part in areas covered by this part within the States of Maryland or Virginia may be tried by a United States Commissioner authorized to try petty offenses in the judicial district in which the offense was committed or, if the person charged with the offense so elects, he shall be tried in the district court of the United States which has jurisdiction over the offense.

§ 50.7 Federal property; miscellaneous provisions.

(a) *Statues and other structures.* No person shall climb upon or in any way injure any statue, fountain, wall, banister, ledge, fence, balustrade, railing or other structure.

(b) *Water system.* No person shall tamper with drinking fountains, hydrants, or other water system facilities.

(c) *Life buoys.* No person shall tamper with or remove life buoys from their fastenings except for the purpose of aiding a person who is in danger of drowning.

(d) *Injury to lawns.* No person shall make any use of lawn areas which tends to injure the lawns in any manner. This section shall not be construed to prohibit casual strolling over lawn areas.

(e) *Short cuts.* No person shall make short cuts across lawn areas which tend to make paths. Hikers and horseback riders shall not make short cuts, but must confine themselves to the established trail.

(f) *Signs.* No person shall tamper with, mar, remove or destroy any official or public sign.

(g) *Dumping.* No person shall dump any material or refuse of any description in any area covered by this part, except pursuant to the provisions of an official permit.

(h) *Storage.* No person shall store material of any description, or displace, leave, house, or permit to be placed or left in any area covered by this part any vehicle or parts of vehicles, or rubbish of any description, except pursuant to the provisions of an official permit.

(i) *Fences and other structures.* No person shall enclose any area covered by this part or erect any fence, wall, or build any trail, road, bridge or other structure in any area covered by this part, except pursuant to the provisions of an official permit.

(j) *Spilling of deleterious substance.* No person shall pour or cause to spill or permit to escape in any area covered by this part any oil, gas, salt, acid, or other deleterious substance whether liquid, solid or gaseous, except pursuant to the provisions of an official permit.

(k) *Other injury or removal.* Any other injury to or removal of any Federal property, except under authority of law, is prohibited.

(l) *Historic structures and remains.* The destruction, injury, defacement, removal, or disturbance in any manner of any historic structure, ruins, relics, artifacts or remains is prohibited. Any such object removed in violation of this section shall be delivered to the Superintendent or his representative on demand.

(m) *Soils, rocks, and minerals.* The destruction, injury, defacement, removal, or disturbance in any manner of any soil, rock, mineral formation, or phenomenon of crystallization is prohibited. The provisions of this section do not pertain to construction projects authorized by the Superintendent.

§ 50.8 Lamps and lamp posts in park areas.

(a) No person shall break, damage, or carry away any lantern, glass, frame, street designation fixture, or other part or appurtenance of any public lamp; or hitch, tie or fasten any animal to any lamp post or appurtenance thereof.

(b) No person shall take up or carry away any public lamp post, or extinguish or obstruct the light in any public lamps, or cap or plug the service pipe of any public lamp.

(c) No person shall climb, damage or destroy any public lamp post, or attach any guy line or sign thereto, or deface any public lamp post or appurtenance thereof by means of lime, mortar, paint, or other material; or pile material of any kind against any public lamp post.

§ 50.9 Comfort stations and other structures.

(a) No person shall enter, remain, or loiter in any comfort station or other public structure in a park area except to use such facility for the purpose for which it is intended.

(b) No person shall deposit any bodily waste in or on any portion of any comfort station or other public structure in a park area excepting directly into such particular fixtures as may be provided for that purpose, nor place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in such station or structure.

(c) In a comfort station or other public structure in a park area, no person shall interfere with any attendant in the performance of his or her duty.

(d) No person shall cut, deface, mar, destroy or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any comfort station or other public structure in a park area.

§ 50.10 Trees, shrubs, plants, grass and other vegetation.

(a) *General injury.* No person shall prune, cut, carry away, pull up, dig, fell, bore, chop, saw, chip, pick, move, sever, climb, molest, take, break, deface, destroy, set fire to, burn, scorch, carve, paint, mark, or in any manner interfere with, tamper, mutilate, misuse, disturb or damage any tree, shrub, plant, grass, flower, or part thereof, nor shall any person permit any chemical, whether solid, fluid, or gaseous, to seep, drip, drain or be emptied, sprayed, dusted or injected upon, about or into any tree, shrub, plant, grass, flower, or part thereof, except when specifically authorized by competent authority; nor shall any person build fires, or station, or use any tar kettle, heater, road roller or other engine within an area covered by this part in such a manner that the vapor, fumes or heat therefrom may injure any tree or other vegetation.

CROSS REFERENCE: For parking which may impair vegetation and trees, see § 50.33(a) (1) and (8).

(b) *Animals.* No person shall hitch, tie or fasten any horse or other animal to, or within reach of, any tree, shrub, plant, tree box or tree guard.

CROSS REFERENCE: For regulations with respect to domestic animals, see also §§ 50.11 and 50.13.

(c) *Attachments.* No person shall hitch, tie, fasten, nail, anchor, screw or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, announcement, handbill, board or other article or device to any tree, shrub or plant, without first obtaining an official permit.

(d) *Excavations.* No person shall excavate any ditches, tunnels, holes or trenches, or lay any sewer or pipe line, drain, conduit or cable, walk, path, drive or highway within or affecting any park area, without first obtaining an official permit. In making permitted excavations proper care shall be taken to prevent injury to the roots of trees, shrubs, or plants. Upon completion of the work, the ground surface shall be restored by the permittee and the correction of any future settling of the back fill shall likewise be the responsibility of the permittee.

(e) *Guards.* All trees, shrubs, or other plants growing within any park area near any excavation or construction of any kind, shall be protected with a substantial and adequate guard constructed by the permittee.

(f) *Gas.* Any person owning or operating beneath the ground, in or adjacent to park areas, any pipes or other conduits for the transmission or delivery of illuminating gas, oil, steam, or other substance in liquid or gaseous form, shall locate and maintain such pipes or conduits free from leaks and in such condition as to

prevent injury to any tree, shrub, plant, lawn, or other vegetation growing within park areas.

(g) *Wires.* No person shall string any wire or wires through or above any park areas; nor prune or remove branches or trees which may now or hereafter interfere, rub or grow near existing wires; nor attach any wire, insulator or devise to trees or within any area covered by the root system of trees, without first obtaining an official permit. Any person having jurisdiction or control over any wire or conduit for the transmission of an electric current shall guard all trees through which such wires or conduits pass, against any injury from the wires or the electric current carried thereby. The device or means used shall, in each case, be of a type approved by the Superintendent.

(h) *Planting.* No person shall plant or cause to be planted any tree, shrub or plant within a park area without first obtaining an official permit.

(i) *Adjacent trees.* Any tree, shrub or plant growing upon private property and which overhangs any park area in such a way as to present a hazard or impede, obstruct or interfere with traffic, travel or park use shall be trimmed, removed, braced, or otherwise treated by the owner of the premises on which such tree, shrub or plant is located, in a manner prescribed by the Superintendent. In an emergency, the Superintendent is empowered to enter such premises and to trim, remove, brace or otherwise treat any tree which is deemed hazardous to park travel or use, in such a manner that the hazard shall be eliminated.

§ 50.11 Dogs, cats and livestock.

(a) The laws and regulations of the District of Columbia, Maryland and Virginia, relating to licenses and muzzles shall apply to dogs in the park areas located within the geographical limits of the respective jurisdiction.

(b) No dog or cat, unless caged or on a leash not more than six feet long and entirely under control, shall be taken into or exercised in park areas: *Provided*, That in special cases the Director may authorize the keeping of dogs, cats and livestock by park residents under such conditions as he may prescribe.

(c) No dog or cat shall be permitted by the person exercising or walking the animal to commit any nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.

(d) Livestock and dogs trespassing on any land of the United States in the National Capital Park System may be impounded and shall be disposed of in accordance with State or District of Columbia statutes insofar as the same may be applicable.

§ 50.12 Horses.

(a) A horse shall not be left unbridled or unattended in any park area without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

(b) A driver shall continuously hold the reins in his hand while riding, driving or leading a horse within a park area.

(c) No more than two horses abreast shall be permitted on the bridle paths in any park area.

(d) Horses shall not be allowed to move over any park area other than those specifically designated for horse exercise.

(e) Fast or reckless riding or driving of horses in any park area is prohibited. Equestrians shall be careful to come down to a walk or slow trot before passing pedestrians.

(f) Horseback riding on the towpath of the Chesapeake and Ohio Canal between Rock Creek and Swain's Lock (Lock 21) is prohibited without special permit.

CROSS REFERENCE: For regulations prohibiting the tying of horses or other animals to lamp posts or trees, see §§ 50.8(a) and 50.10(b), respectively.

§ 50.13 Grazing; permitting animals to run loose.

Using park areas for grazing, allowing to graze, or permitting to run loose thereon any animal, is prohibited, unless authorized by an official permit. Any owner or custodian of an animal or animals shall prevent such animal or animals from doing any of the acts enumerated in this section.

§ 50.14 Picnics in park areas.

(a) *Picnicking.* Picnicking is permitted only in areas designated for such use.

(b) *Permits.* Persons holding official permits for the use of established picnic groves in certain park areas shall be entitled to the exclusive use of such groves on the dates and between the hours specified in the permits. All persons not holding permits shall be required to vacate the groves upon the arrival of permit holders.

(c) *Garbage.* Picnic groves in park areas shall be left in a clean condition by persons using the groves. Garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

§ 50.15 Athletics.

(a) *Permits for set games.* Playing baseball, football, croquet, tennis, and other set games or sports in park areas except under official permit and upon the grounds provided for such purpose, is prohibited.

(b) *Wet grounds.* Persons holding official permits to engage in games and sports at certain times and at places authorized for this use in park areas are prohibited from exercising the privilege of play accorded by the permit if the grounds are wet or otherwise unsuitable for play without damage to the turf.

(c) *Golf and tennis; fees.* No person shall use golf and tennis facilities in park areas except by payment of the prescribed fee, if one is required, and in compliance with regulations approved by the Director. Use of public golf and tennis facilities is restricted to authorized players and persons accompanying them; trespassing, intimidating, harassing or otherwise interfering with authorized golf players, or interfering with the play of tennis players is prohibited.

(d) *Archery.* No bows and arrows shall be permitted in park areas, with the exception stated in § 50.49, except in places designated by order of the Superintendent.

(c) *Ice skating.* When ice is forming on the Tidal Basin, the Reflecting Pool, and other bodies of water within park areas, all persons shall abide by the directions of the Park Police as to when and where the ice shall be available for skating. When skating is allowed, all persons shall be under obligation to refrain from fast and reckless skating when such skating might endanger the life or limb of other persons.

§ 50.16 Model planes.

No model powered plane shall be flown from any park area unless authorized by an official permit.

§ 50.17 Gambling.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise in park areas, is prohibited.

§ 50.18 Hunting and fishing.

(a) *Hunting in park areas prohibited.* The parks are sanctuaries for wildlife of every sort and no person shall at any time or at any place within a park area, trap, catch, kill, injure, or pursue any wild birds or wild animals, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, or destroy, remove or disturb the nest or eggs of any wild bird. The Superintendent is authorized to take necessary action to capture or destroy wildlife which is damaging Government property.

(b) *Unauthorized possession of wildlife.* Unauthorized possession within a park area of any live wild bird or animal, or the dead body or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same, are guilty of violating this section.

(c) *Fishing in park areas in Maryland and Virginia.* Persons fishing in areas under the jurisdiction of the National Park Service, lying within the geographical limits of Maryland or Virginia, must be licensed by and comply with the applicable State laws.

(d) *Fishing in park areas in the District of Columbia.* Persons fishing in waters in the District of Columbia controlled by the Secretary of the Interior shall comply with the fishing regulations for the District of Columbia approved by the Secretary of the Interior and adopted by the Commissioners of the District of Columbia.

(e) *Closing of waters.* During a period of emergency, just prior to and during special ceremonial events or competitive aquatic events, adjacent to docks and floats, or to prevent over-use by fishermen of waters open to fishing in areas administered by National Capital Parks, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time

as may be necessary. Provided, the notice thereof shall be given by the posting of appropriate signs, notices, and markers. Fishing in Prince William Forest Park shall be prohibited in areas designated for swimming, boating, or other public use, such areas to be designated by posting of signs.

§ 50.19 Parades and public gatherings.

(a) As used in this section the term "public gatherings" shall mean parades, ceremonies, entertainments, meetings, assemblies, and demonstrations. It does not include events for commercial purposes.

(b) Public gatherings may be held and speeches may be made in the following areas under the jurisdiction of the National Capital Region without official permit. The conduct of any such gathering shall be reasonably consistent with protection and use of the area for the purposes for which it is maintained:

(1) *Judiciary Park*. Between Fourth and Sixth Streets NW., on the north-south axis of the park between F Street and the Statue of Jose de San Martin, for no more than 500 persons.

(2) *McPherson Square*. Fifteenth Street, between I and K Streets NW., for no more than 500 persons.

(3) *U.S. Reservation No. 31*. West of 18th Street and south of H Street NW., for no more than 100 persons.

(4) *Rock Creek and Potomac Parkway*. West of 23d Street, south of P Street NW., for no more than 1,000 persons.

(5) *Garfield Park*. Each side of Second Street SE., between Virginia Avenue and South Carolina Avenue, for no more than 1,000 persons.

(6) *U.S. Reservation No. 46*. North side of Pennsylvania Avenue, west of Eighth Street and south of D Street SE., for no more than 25 persons.

(c) Public gatherings may be held and speeches may be made in any park area under the jurisdiction of the National Capital Region subject to the condition, except as to areas other than those designated in paragraph (b) of this section, that an official permit therefor be first issued by the park Superintendent.

(1) *Application for permit*. Any application for such an official permit shall set forth the name of the applicant, the date, time, duration, nature, and place of the proposed event, an estimate of the number of persons expected to attend and a statement of equipment and facilities to be installed for use in connection therewith.

(2) *Issuance of permit*. The park Superintendent shall issue an official permit upon proper application unless:

(i) A prior application for the same time and place has been made which has been or will be granted.

(ii) The event will present a clear and present danger to the public health or safety.

(iii) The event is of such nature or duration that it cannot reasonably be accommodated in the particular area applied for.

(3) *Conditions*. The permit may contain such conditions as are reasonably consistent with protection and use of the area for the purposes for which it is maintained and as are otherwise consistent with the regulations in this part. It may also contain reasonable limitations on the time and area within which the event is permitted.

(i) Violation of any terms of the permit may result in its cancellation.

(d) Policy governing assistance by the National Park Service: (1) For political meetings, the National Park Service will furnish no services or facilities beyond those existing on the site except that the sponsors of the meeting may provide additional services and facilities at their own expense, subject to approval by the Superintendent. The same policy will apply with respect to entertainment programs and to patriotic and civic meetings for which an admission fee is charged or at which funds will be solicited or collected.

(2) In the case of civic and patriotic assemblages, and athletic and entertainment programs which are presented as a public service, where no admission is charged and no funds will be solicited or collected, the National Park Service may, within the limits of appropriations, furnish necessary platforms, chairs, music stands, lighting, and other equipment as are available and the services of operational employees. At such ceremonial gatherings or events of community interest as the annual Independence Day Celebration at the Monument Grounds, the President's Cup Regatta, and the Cherry Blossom Festival, the National Park Service may, despite the fact that charges are made by participating organizations for seats or admission, furnish services and such available equipment as will not in turn be rented to those who attend the affair.

(e) **Special traffic controls during parades and other ceremonies in park areas:** On the days of parades, ceremonies, celebrations, and entertainments in park areas, the Chief, U.S. Park Police, may vary, or authorize the varying of outstanding regulations as to the parking of vehicles and the position and movements of spectators, either by the promulgation of special regulations, the posting of appropriate signs, or the giving of directions by a police officer. All persons within the area in which a parade, ceremony, celebration, or entertainment is conducted shall obey or comply with lawful orders of the U.S. Park Police or other authorized persons engaged in maintaining order.

(f) **Limitations:** No public gatherings and no distribution of handbills and circulars shall be permitted on East Executive Avenue, South Executive Avenue, West Executive Avenue, State Place, and Alexander Hamilton Place.

[31 F.R. 6263, April 23, 1966]

§ 50.24 Soliciting, advertising, sales.

(a) **Soliciting.** (1) Soliciting of alms and contributions for private gain and of patronage by guides or other persons in park areas is prohibited.

(2) Commercial soliciting of any kind in park areas without an official permit is prohibited.

(b) **Advertising and taking of photographs.** (1) The display or distribution of any form of commercial advertising is prohibited in park areas, except when authorized by official permit in connection with park activities.

(2) No photograph which may include a public monument or memorial shall be taken or used of any commercial vehicle or bus in a park area without an official permit.

(3) The photographing in park areas of models demonstrating wearing apparel or other commercial articles, for reproduction in commercial advertising, without an official permit, is prohibited.

(4) No photographs shall be taken within any military reservation except by holders of official permits and those persons having special permission of the officer in charge.

(5) No photograph of construction in the National Park system shall be taken or used in commercial advertising unless written permission of the Superintendent is obtained.

(c) **Sales.** No sales shall be made nor admission fee charged, and no article shall be exposed for sale in a park area without an official permit.

§ 50.25 Nuisances; disorderly conduct.

Committing a nuisance of any kind or engaging in disorderly conduct within an area covered by this part is prohibited. The following shall include, but shall not be construed to limit acts committed in areas covered by this part which constitute disorderly and unlawful conduct:

(a) **Wrestling.** Scuffling and wrestling in the vicinity of other persons.

(b) **Throwing of breakable articles.** Intentional throwing, dropping or causing to be thrown or dropped, any breakable article such as glass, pottery, or any sharp article which may cause injury to the person or property of others, upon any road, path, walk, parking lot or lawn area in any area covered by this part.

(c) **Throwing of stones.** Throwing stones or other missiles.

(d) **Throwing or dropping objects from Washington Monument.** Throwing or dropping any object from the windows at the top of the Washington Monument, or from the staircase or landings of the Monument, unless authorized by the Superintendent.

(e) **Rubbish.** Placing refuse brought from private property in park receptacles.

(f) **Spitting.** Spitting upon walks or paths.

(g) **Fireworks.** Discharging or setting off fireworks, firearms or other explosives in areas covered by this part: *Provided*, That upon holidays or on special occasions the Superintendent may permit at his discretion, use of such grounds in park areas as he may deem best suited for the purpose of fireworks display and the firing of salutes.

(h) **Unauthorized bathing.** Bathing, swimming or wading in any fountain or pool except where officially authorized. Bathing, swimming, or wading in the Tidal Basin, the Chesapeake and Ohio Canal, or Rock Creek, or entering from areas covered by this part the Potomac River, Anacostia River, Washington Channel or Georgetown Channel, except for the purpose of saving a drowning person.

(i) **Audio devices.** Audio devices including radios, television sets, public address systems and musical instruments, when audible beyond the immediate

vicinity of the set or instrument, or when disturbing the quiet of camps, picnic areas, or other public places or gatherings.

(j) *Park benches.* Lying on park benches is prohibited.

(k) *Loitering with intent to remain more than four hours.* Sleeping, lotering or camping, with intent to remain for a period of more than four hours in any park area, is prohibited, except upon proper authorization of the Superintendent.

(l) *Vagrancy.* Habitually using any park area as a place of abode, sleeping therein, loafing therein by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation or source and unable to establish the fact of residence elsewhere, is prohibited.

§ 50.26 Indecency, immorality, profanity.

(a) *Indecent exposure.* Obscene or indecent exposure by any male or female of his or per person or their persons, in a street, road, park, or other space or enclosure, or automobile, dwelling or other building within any area covered by this part wherefrom the same may be seen in any street, avenue, alley, road, or highway, open space, public square, or private building or enclosure is prohibited.

(b) *Urinating or defecating.* Urinating or defecating in any area covered by this part other than the places officially provided therefor is prohibited.

(c) *Adultery and fornication.* Adultery and sexual intercourse with or between unmarried persons in any area covered by this part is prohibited.

(d) *Nuisances; soliciting for immoral purposes.* Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes is prohibited in any area covered by this part.

(e) *Profanity.* The use of profane and indecent language within hearing of another person or persons in any area covered by this part is prohibited.

(f) *Other obscene and indecent acts.* The committing of any other obscene or indecent act in any area covered by this part is prohibited.

§ 50.27 Camping.

(a) Camping is permitted only in areas designated by the Superintendent who may establish limitations of time allowed for camping in any public camping ground. Upon the posting of such limitation in the campground, no person shall camp for a period longer than that specified for the particular campground.

(b) Overnight camping is prohibited in picnic grounds unless authorized by the Superintendent in writing.

(c) Campers shall keep their campgrounds clean. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

(d) Campers and picnickers may use dead or fallen timber for fuel when authorized by the Superintendent.

(e) The installation of permanent camping facilities by visitors, or the digging or leveling of the ground in any campsite without the Superintendent's permission is prohibited. Camps must be completely razed and the sites cleaned before the departure of campers.

(f) No camp may be established in an area and used as a base for hunting outside such area.

(g) The Superintendent may establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

§ 50.28 Use of liquors; intoxication.

(a) *Drinking in areas covered by this part.* The drinking of beer, wine, or spirituous liquors within areas covered by this part in the District of Columbia, Maryland, and Virginia is prohibited, except with the written permission of the Superintendent.

(b) *Intoxication.* Entering or remaining in an area covered by this part in a visibly intoxicated condition is prohibited.

(c) *Driving motor vehicle while intoxicated.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate or drive a motor vehicle of any kind in any area covered by this part.

§ 50.29 Laws and regulations applicable to traffic control; enforcement.

(a) *District of Columbia, Maryland and Virginia laws and regulations.* The laws and regulations relating to traffic control promulgated for the District of Columbia and the laws of Maryland and Virginia, respectively, as adopted by the

act of June 25, 1948 (62 Stat. 686; Title 18 U.S.C. sec. 13), shall constitute the traffic and motor vehicle regulations enforceable under the act of March 17, 1948 (62 Stat. 81), in all areas covered by this part within their respective geographical limits unless otherwise provided for by act of Congress or the regulations contained in this part: *Provided*, That the traffic regulations adopted by the local governing bodies pursuant to the provisions of the laws of Maryland and Virginia delegating authority to the local governing bodies to adopt such traffic regulations shall not apply; *And provided, further*, That the head of the agency having jurisdiction over the area may fix the speed limits which shall be indicated by signs, markers and other devices to be erected and maintained by said agency and may fix the weight limits and control the parking of vehicles in such area.

(b) *Enforcement of traffic regulations.* All traffic regulations applicable in areas covered by this part shall be observed by the operators of vehicles, equestrians, and by pedestrians who shall also comply with official traffic signs and signals, and traffic direction by voice, hand or whistle, from any member of the United States Park Police, Metropolitan Police, Park Rangers or special policemen, properly equipped by police badge on duty in an area covered by this part. These directions may include signals for slowing down, stopping, backing, approaching or departing from any place, the manner of taking up or setting down passengers, and the loading or unloading of any material.

(c) *Checking on speed by use of electronic device.* The speed of any motor vehicle may be checked on any park road in a park area in the States of Maryland and Virginia by the use of radiomicrowaves or other electrical device when such park road on which such device is used is clearly marked within four miles of such device and at State lines and at primary streets and highways by the posting of signs indicating radar control, when marked "Speed checked by radar."

[24 F.R. 11014, Dec. 30, 1959, as amended at 31 F.R. 6264, April 23, 1966]

§ 50.30 Obstructing entrances, exits, sidewalks.

(a) Assembling, loitering and congregating singly or in groups, in or about the entrances and exits to the various areas covered by this part, or within areas covered by this part, in such a way as to hinder or obstruct the sidewalks, roads, bridges, or bridlepaths, is prohibited.

(b) Congregating or loitering in or about any comfort station or other public structure in any area covered by this part in such a manner as to obstruct the proper use thereof, or to the annoyance of the people using or visiting such structures, is prohibited.

(c) Occupying, parking, stopping or leaving a bicycle, coaster wagon, perambulator, or other similar vehicle in any area covered by this part, on any sidewalk, bridge, road, footpath, or bridle path, in such position as to hinder or obstruct the proper use of the same is prohibited.

§ 50.31 Speed restrictions.

(a) *District of Columbia.* No specific speed limits shall apply to the park roads in park areas in the District of Columbia, unless a speed limit is prescribed for a particular road, or sections of roadway, by the posting of official signs.

(b) *Maryland and Virginia.* The speed limits prescribed by the States of Maryland and Virginia shall constitute the speed restrictions on park roads in areas covered by this part within their respective geographical limits, unless a lesser speed limit is prescribed for a particular road, or section of road, by the posting of official signs.

§ 50.32 Reckless driving; prohibited operations.

Persons operating motor vehicles within areas covered by this part shall drive in a safe manner. The following are prohibited:

(a) Driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(b) Failing to keep any vehicle under proper control.

(c) Operating any vehicle in such a manner as to cause same to collide with another vehicle, person, fixed or moving object.

(d) Driving on wrong side of street or road.

(e) Following another vehicle too closely to permit clear vision of road ahead or sufficient distance in which to stop within the assured clear distance ahead.

(f) Operating a motor vehicle in grossly unsafe mechanical condition.

(g) Operating a closed passenger-carrying vehicle with side shades or curtains drawn more than half way, except when going to or returning from a funeral or when necessary as protection from the elements.

(h) Operating a motor vehicle when the rear windows are cracked, scarred, clouded or otherwise obscured or defective so as substantially to obstruct vision.

(i) Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.

(j) Changing from one lane of traffic to another without proper and timely signal and due regard to the traffic on the roadway. Every person operating a motor vehicle shall stay within one lane of traffic as much as possible, that lane to be the one nearest the right edge of the road; and he shall determine in advance, before changing from the lane in which he is driving, that the condition of traffic is such as to make it safe to change. He shall furthermore have the duty of giving a timely signal before changing from one lane to the other.

(k) Making or executing a left turn with any motor vehicle from any one-way road in an area covered by this part from any lane other than that nearest the left curb or edge of the roadway.

(l) Operating or driving or stopping a motor vehicle on any footpath, bridle-path, towpath, walk, sidewalk, footbridge, horsebridge, or lawn area within an area covered by this part.

CROSS REFERENCE: For driving vehicle while intoxicated, see § 50.28(c).

§ 50.33 Parking restrictions; impounding of vehicles.

(a) *General provisions*—(1) *Undesignated spaces*. Driving over or parking on an area covered by this part other than a road, street or a designated parking space, whether such is grassed or not, is prohibited.

(2) *Official signs*. Stopping, standing or parking in any area covered by this part contrary to the direction of official signs, is prohibited.

(3) *Night parking*. Parking of vehicles between dark and daylight in an area covered by this part where no lighting equipment is installed, is prohibited.

(4) *Screened windows*. Stopping or parking motor vehicles upon any road in any area covered by this part, by day or by night, with windows screened or curtains drawn so as to obscure or conceal the interior of the vehicle, is prohibited.

(5) *Constitution Avenue and Nineteenth Street*. Between the hours of 4 p.m. and 6 p.m. on any day, except Sundays and legal holidays, no driver of a vehicle shall stop, stand, or park to take on or discharge a passenger or passengers, on the south side of Constitution Avenue Northwest, between the east curb line of Nineteenth Street and a point 100 feet in an easterly direction.

(6) *Parades*. Parking on roads in a park area through which a parade will pass two hours prior to the moving of such parade is prohibited. The placing of an official sign by the park police on a park road or in a parking zone by 7 a.m. on the day a parade is to take place, informing the public of the time to vacate the park road or parking zone shall be sufficient notice; and if the owner or person in charge of any vehicle shall fail and neglect to remove such vehicle before or by the time specified on the sign, he shall be subject to prosecution.

(7) *Gutters*. Driving or parking in gutters in areas covered by this part where no curb exists, is prohibited.

(8) *Trees and shrubs*. Parking in any area covered by this part which involves contact with any tree, shrub or plant, or with its exposed roots, is prohibited.

(b) *Parking on public ground within District of Columbia; penalty*. No vehicle of any kind shall be parked, stored, or left, whether attended or not, on any park area in the District of Columbia, other than park roads and designated public parking spaces, except when authorized by official permit. Any person violating the provisions of this paragraph, shall, upon conviction thereof, be punished by a fine of not more than \$25.

(c) *Impounding of illegally parked vehicles*. Any unattended vehicle parked in any area covered by this part in violation of any traffic law or regulation; except short-term overtime parking, may, in the discretion of the park police, be removed and impounded until the owner thereof, or other duly authorized person, shall deposit collateral for his appearance in court. A storage fee of one dollar per day may be charged for impounded vehicles left in police custody longer than 7 days. Vehicles left longer than 90 days shall be disposed of as abandoned to the United States.

CROSS REFERENCE: For place of trial, see § 50.6.

§ 50.34 Traffic signs.

Drivers of all vehicles shall comply with the directions of all official traffic signs posted in areas covered by this part.

§ 50.35 Washing of cars prohibited.

Washing, cleaning, lubricating, repairing or performing any mechanical work upon vehicles within park areas is prohibited, except in case of emergency.

§ 50.36 Commercial vehicles and common carriers.

(a) *Operation in park areas prohibited; exceptions.* Commercial vehicles and common carriers, loaded or unloaded, are prohibited on park roads and bridges except on roads designated by order of the Superintendent, or when authorized by official permit in an emergency, or when operated in compliance with paragraphs (b), (c) or (d) of this section.

(b) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees.* (1) Taxicabs licensed in the District of Columbia, Maryland, or Virginia, shall be permitted on any portion of the George Washington Memorial Parkway without being required to obtain a permit or make payment of fees.

(2) Passenger-carrying vehicles for hire or compensation, other than taxicabs, having a seating capacity of not more than fourteen (14) passengers, excluding the driver, when engaged in services authorized by concession agreement to be operated from the Washington National Airport and/or Dulles International Airport, shall be permitted on any portion of the George Washington Memorial Parkway in Virginia without being required to obtain a permit or make payment of fees. Such vehicles when operating on a sightseeing basis shall comply with subparagraph (4) of this paragraph.

(3) Passenger-carrying vehicles for hire or compensation, other than those to which subparagraphs (1) and (2) of this paragraph apply, may be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Regional Director, National Capital Region, National Park Service under the following conditions:

(i) When operating on a regular schedule (a) to provide passenger service on any portion between Mount Vernon and the Arlington Memorial Bridge, (b) to provide limited direct nonstop passenger service from Key Bridge to a terminus at the Central Intelligence Agency Building at Langley, Virginia, and direct return, and (c) to provide limited direct nonstop passenger service from the interchange at Route 123 to a terminus at the Central Intelligence Agency Building at Langley, Virginia, and direct return. Permittees shall file a schedule of operation and all schedule changes with the office of National Capital Region showing the number of such vehicles and total miles to be operated on the parkway.

(ii) When operating nonscheduled direct, nonstop service primarily for the accommodation of air travellers arriving at or leaving from Dulles International Airport or Washington National Airport (a) between Dulles International Airport and a terminal in Washington, D.C., over the George Washington Memorial Parkway between Virginia Route 123 and Key Bridge; (b) between Washington National Airport and a terminal in Washington, D.C., over the George Washington Memorial Parkway between Washington National Airport and 14th Street Bridge; and (c) between Dulles International Airport and Washington National Airport over the George Washington Memorial Parkway between Virginia Route 123 and Washington National Airport. Permittees shall file a report of all operations and total miles operated on the George Washington Memorial Parkway.

(iii) Permits shall be issued, normally for a period of one year effective from July 1 until the following June 30, at the rate of one cent (1¢) per mile for each mile each such vehicle operates upon the parkway. Payment shall be made quarterly within twenty (20) days after the end of the quarter based upon a certification by the operator of the total mileage operated upon the parkway.

(4) Sightseeing passenger-carrying vehicles for hire or compensation other than taxicabs may be permitted on the George Washington Memorial Parkway, upon application for, and the granting of a permit by the Regional Director, National Capital Region, to provide sightseeing service on any portion of the parkway. Permits may be issued either on an annual basis for a fee of three dollars (\$3.00) for each passenger-carrying seat in such vehicle; on a quarterly basis for a fee of seventy-five cents (75¢) per seat; or on a daily basis at the rate of one dollar (\$1.00) per vehicle per day.

(c) *Commercial trucks.* The use of any park road by commercial trucks when such trucking is in no way connected with the operation of the park system is prohibited, except (1) on the section of Constitution Avenue east of 19th Street, (2) that in special cases, trucking permits may be issued at the discretion of the Superintendent.

(d) *Taxicabs*—(1) *Operations around memorials.* Parking, except in officially designated taxicab stands, or cruising on the access roads to the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and the circular roads around the same, of any taxicab or hack without passengers is prohibited. However, this section shall not be construed to prohibit the operation of empty cabs responding to definite calls for hack service by passengers waiting at such Memorials, or of empty cabs which have just discharged passengers at the entrances of the Memorials, when such operation is incidental to the empty cabs leaving the area by the shortest route.

(2) *Stands.* Taxicab stands to serve the public convenience may be established by order of the Superintendent in suitable and convenient places.

(e) The provisions of this section prohibiting commercial trucks and common carriers shall not apply within "other Federal reservations", in the environs of the District of Columbia, as defined in § 50.4(b), and shall not apply on that portion of Suitland Parkway between the intersection with Maryland Route 337 and the end of the Parkway at Maryland Route 4, a length of 0.6 mile.

[24 F.R. 11014, Dec. 30, 1959, as amended at 27 F.R. 11346, Nov. 17, 1962, 31 F.R. 9107, July 2, 1966]

§ 50.37 Vehicles; weight and tread restrictions.

(a) *Maximum weight.* No vehicle, the weight of which including load, exceeds the officially posted weight limit appearing at or on the bridge, shall cross any bridge in any area covered by this part unless authorized by an official permit.

(b) *Permissible solid tires.* (1) No vehicle equipped with solid rubber tires shall be driven or moved over any road in any area covered by this part unless the entire traction surface of the tire is at least 1 inch thick above the edge of the flange for the entire periphery of the tire.

(2) No vehicle equipped with steel tires, loaded or unloaded, shall be driven or moved over any road in any area covered by this part if the total gross weight is in excess of 6,000 pounds.

(c) *Prohibited treads.* There shall not be operated or moved upon any road in any area covered by this part, except by hauling on an approved type of conveyance, any vehicle of any kind the face of the wheels, or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes or any device which may tend to injure the roadway. This prohibition applies to all rings or flanges upon guiding or steering wheels on any such vehicle but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

§ 50.38 Tampering with vehicles prohibited.

Tampering with or attempting to enter or start any motor vehicle parked in any area covered by this part, without authority from the owner of such vehicle, is prohibited.

§ 50.39 Prevention of smoke.

The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 50.40 Bicycling, roller skating and coasting restrictions.

(a) *Bicycling.* Bicycle riding, except upon the roads or other areas designated by order of the Superintendent to be used for that purpose, is prohibited. Walking, driving, or riding bicycles or motorcycles on bridlepaths, is prohibited.

(b) *Roller skating.* Roller skating except upon areas designated by order of the Superintendent to be used for that purpose, is prohibited.

(c) *Coasting.* The operation of sleds, sleighs, scooters, coaster wagons, or similar vehicles by children or adults on any road, walk, bridle path, bridge, or lawn area, other than those places designated by order of the Superintendent to be used for such purposes, is prohibited.

(d) The provisions of this section shall not apply within "other Federal reservations", as defined in § 50.4(b).

CROSS REFERENCE: For regulations with respect to parking, stopping, or leaving of any vehicle, such as a bicycle or coaster wagon, on any sidewalk or other public thoroughfare, see § 50.30(c).

§50.41 Boating.

(a) No privately owned boat, canoe, raft, or other floating craft shall be placed or operated upon the waters of any area covered by this part without an official permit. Such permit will be revoked upon the failure of the permittee to comply with the terms and conditions of the permit and the permittee will be required to immediately remove his craft from the area. The provisions of this section shall not apply to the operation of canoes and other hand-propelled boats in the waters of the Chesapeake and Ohio Canal.

(b) Garbage, litter, or other waste shall not be dropped or thrown from vessels, or from shore, into park waters, but shall be disposed of on shore at designated locations in a manner prescribed by the Superintendent.

(c) Wastes from toilets or galleys shall not be discharged within one half mile of low water line along the shore, or one half mile from any water supply intake, and the Superintendent may restrict any water area if a public health hazard develops or the deterioration of esthetic values becomes apparent.

(d) Every vessel or craft operating in Park waters which is propelled by internal combustion engines shall be equipped with a muffler so constructed as to prevent any unnecessary or prolonged, intense noise in the operation or management of such vessel and the said muffler shall not be removed, cut out, or put out of operation for any purpose whatsoever, except during authorized Regattas. Nothing contained in this paragraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes so long as these methods of silencing the exhaust are effective.

§50.42 Swimming, water skiing etc.

Swimming from unanchored boats is prohibited. Children under the age of 12 years, when in the water shall wear approved life preservers; water skiers, when being towed, shall wear life belts or life preservers.

§50.43 Collection of scientific specimens.

Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with an official permit. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere: *Provided, however*, That the provisions of this section shall not apply within "other Federal reservations", as defined in § 50.4(b).

§50.44 Lost and found articles.

(a) Lost articles or money which are found in areas covered by this part shall be immediately referred to the police official in charge of the area where the article was discovered. Proper records shall be kept at Police Headquarters of the receipt and disposition of such articles. If an article or money found on park areas and referred to Park Police Headquarters is not claimed by the owner within a period of 60 days, it shall be returned to the finder and appropriate receipt obtained; except, that in the case of Force and National Capital Parks employees, items turned in which are not claimed by the owner within 60 days shall be considered as abandoned to the United States and reported to the nearest representative of the General Services Administration for disposition. In no case will found articles be returned to the employees who found them.

(b) The abandonment of any personal property in any of the park areas is prohibited.

§50.45 Photographing; restrictions.

(a) *Frivolous and undignified posing.* Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial, is prohibited.

(b) *Use of tripod or other devices.* The use of a tripod or other device for the support of the camera or other instrument on the floors or steps of any memorial, or other park structure, is prohibited, unless the tripod or device is equipped in such a manner as will prevent scratching or other damage.

(c) *Motion or sound pictures.* Before any motion or sound pictures may be filmed in any park area except by amateurs and bona fide newsreel photographers, authority must first be obtained in writing from the Superintendent, which authority will be granted in the discretion of the Superintendent in accordance with the provisions of 43 CFR Part 5.

CROSS REFERENCE: For use of pictures taken in park areas for commercial advertising, see § 50.24(b) (2) and (3).

§ 50.46 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public in a park area and its employees, including, but not limited to, the District of Columbia Recreation Board and its personnel, the District of Columbia Armory Board and its personnel, and any subcontractor or sublessee, and, while using such an area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation of other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

[27 F.R. 3658, Apr. 18, 1962]

§ 50.46a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public in a park area and its employees, as described in § 50.46 and any subcontractor or sublessee, in connection with the use of such an area, is prohibited from discrimination against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violation of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C. or notices supplied him in accordance with Section 301 of Executive Order 10923, dated March 6, 1961, at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

[27 F.R. 3658, Apr. 18, 1962]

§ 50.47 Installation permits.

(a) *Permit required.* No facility, utility, works, building, or other installation may be installed or maintained in a park area without an official permit designated as an "installation permit."

(b) *Application and permit.* (1) Application for "installation permit" shall be made in the form prescribed by the Superintendent of National Capital Parks.

(2) "Installation permits" may be issued by the Superintendent of National Capital Parks and shall be subject to the payment of such fees and such conditions of location, relocation, removal, maintenance, restoration, design, materials, method of construction time, expiration, termination, and other requirements as may be prescribed in the permit or by regulations of the Secretary of the Interior and instructions issued thereunder. The Superintendent may require a cash or surety bond acceptable to him in such amount as he deems adequate to insure full compliance with the conditions of the installation permit.

(3) All permittees must comply with all Federal and applicable local laws and all regulations of the Secretary of the Interior relating to park areas.

(4) An "installation permit" may be revoked and the removal of the installation required by the Superintendent of National Capital Parks, with the approval of the Director of the National Park Service or the Secretary of the Interior, by mailing to the permittee written notice to that effect at least 30 days prior to the effective date of the revocation of the permit.

(c) *Appeals from administrative action.* Appeals from action relating to "installation permits" issued pursuant to paragraph (b) of this section may be taken from any administrative action by filing with the Superintendent a written request for reconsideration thereof or notice of appeal. Administrative action of the Superintendent shall be final unless an appeal is taken therefrom within 30 days by filing with the Superintendent a written notice of appeal and a statement setting forth in detail the reasons why the administrative action taken by the Superintendent is contrary to or in conflict with the facts, the law, or the regulations of the Secretary. Upon receipt of such a statement the Superintendent shall submit a statement reviewing the case and presenting the facts and considerations upon which his action is based. The two statements together with all papers comprising the record in the case shall then be transmitted to the Director who shall review the case and will thereupon refer the case with his recommendations to the Secretary for a final decision. The Secretary will thereupon consider the case and recommendations from the Director and advise both the appellant and the Superintendent of his decision.

§ 50.48 Making false reports to the United States Park Police.

Any person who shall make or cause to be made to the United States Park Police or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within any area administered by the Office of National Capital Parks, or a false or fictitious report of any other matter or occurrence of which said United States Park Police is required to receive reports or in connection with which said United States Park Police is required to conduct an investigation, knowing such report to be false or fictitious, or shall communicate or cause to be communicated to the said United States Park Police or any officer or member thereof any false information concerning the commission of any criminal offense within any area administered by the Office of National Capital Parks, or concerning any other matter or occurrence of which said United States Park Police is required to receive reports, or in connection with which said United States Park Police is required to conduct an investigation, knowing such information to be false, shall be punished as provided in § 50.5.

§ 50.49 Dangerous weapons.

(a) Carrying or possessing, while in any area covered by this part, a gun, air-gun, bow and arrow, sling, dart, projectile thrower, knife with blade exceeding three (3") inches in length, or other dangerous instrument or weapon is prohibited; except that the prohibition with regard to the possession and carrying of bows, arrows, and firearms shall not apply to the Chesapeake and Ohio Canal lands above Swain's Lock in the State of Maryland, when such bows are unstrung, the arrows in quivers, and such firearms are unloaded or broken or encased and the party or parties in possession thereof are crossing canal property to gain access to legal shooting areas on private properties by the most direct and shortest route: *Provided*, That nothing in this paragraph shall be construed as to prevent the drill or activities of any organized military or semi-military body under an official permit, and the use of bows and arrows by park visitors on official established archery ranges.

(b) The Superintendent may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.

(c) Authorized law enforcement officers may carry unsealed firearms while engaged in the enforcement of Federal or State laws and regulations, or when otherwise necessary in the performance of their duties.

§ 50.50 Fires.

(a) On public campgrounds and picnic areas wood fires shall be lighted only in the established fireplaces constructed for the convenience of visitors except when otherwise authorized by official permit.

(b) For cooking purposes charcoal grilles, gasoline or gas stoves may be used in public campgrounds and picnic areas.

(c) Due diligence shall be exercised in building and putting out fires and the disposal of charcoal to prevent damage to trees and vegetation and to prevent forest and grass fires.

(d) Smoking, or the building of fires, may be prohibited or limited by the Superintendent when, in his judgment, the fire hazard makes such action necessary.

§ 50.51 Sanitation.

(a) Campers and others shall not wash clothing or cooking or eating utensils in, or otherwise pollute or contaminate the waters of the areas.

(b) The washing of cooking or eating utensils and the cleaning of fish at water hydrants or drinking fountains is prohibited.

(c) Garbage, papers, or refuse of any kind shall not be thrown or left anywhere except in receptacles officially provided for such purpose.

(d) All comfort stations shall be used in a clean and sanitary manner.

§ 50.101 Schedule of minimum collateral (General Order No. 68).

(a) Hereafter persons arrested and taken to the Headquarters of the United States Park Police or to the Metropolitan Police precinct stations for violation of certain regulations promulgated for the protection of the Park System of the District of Columbia, as set forth on the Schedule of Minimum Collateral attached hereto, will be handled as follows:

(1) The decision as to whether an individual arrested shall be permitted to deposit collateral will rest with the official then in charge of the Force, who shall be guided in his decision by consideration of existing rules and laws governing incarceration of prisoners, and the customs of the community. Determination as to whether collateral shall be required in an amount greater than the minimum provided in the Schedule of Minimum Collateral, will rest with the decision of the official then in charge of the Force.

(2) Experience since 1938 has clearly demonstrated that permitting the forfeiture of collateral for minor offenses has eliminated the necessity for the police force to appear in court, if the person arrested elects to forfeit. As in the past, forfeiture of collateral for violation of National Capital Parks Regulations will be handled in a manner similar to forfeiture of collateral for violation of certain Metropolitan Police regulations.

(b) This section, together with the attached Schedule of Minimum Collateral, shall become effective upon date of publication in the Federal Register (April 26, 1966).

SCHEDULE OF MINIMUM COLLATERAL

A schedule of minimum collateral to be accepted for violations of certain regulations promulgated for the protection of the park system of the District of Columbia, in accordance with the provisions of the act of Congress, approved July 1, 1898 (30 Stat. 570), as amended:

Violations	N.C.R. regulations	Col- lateral
Animals, domestic or wild:		
Unlicensed or unmuzzled dogs.....	50. 11(a)	\$5. 00
Unleashed dogs or cats.....	50. 11(b)	5. 00
Permitting dogs or cats to commit a nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park areas, except in park roadways.	50. 11(c)	2. 00
Horses: Leaving unbridled and unattended.....	50. 12(a)	2. 00
Horses: Riding, driving, or loading without reins in hand.....	50. 12(b)	2. 00
Horses: Riding of more than two abreast.....	50. 12(c)	2. 00
Horses: Allowing to move over lawn areas.....	50. 12(d)	2. 00
Horses: Fast or reckless riding or driving and failure to bring to a walk or slow trot before passing pedestrians.	50. 12(e)	10. 00

SCHEDULE OF MINIMUM COLLATERAL—Continued

Violations	N.C.R. regulations	Col- latera ¹
Animals, domestic or wild—Continued		
Hitch, tie, or fasten any horse or animal to any public lamp post or appurtenance thereof.....	50.8(a)	\$2.00
Hitch, tie, or fasten any horse or animal to, or within reach of, any tree, shrub, plant, treebox or tree guard.....	50.10(b)	2.00
Grazing or permitting the running loose of animals except with official permission.....	50.13	5.00
Hunting, trapping, catching, killing, pursuing, or needlessly disturbing any birds, waterfowl or wild animal except upon proper authorization.....	50.18(a)	5.00
Athletics:		
Playing of baseball, football, tennis, golf, or other set games, except upon grounds provided under official permit.....	50.15(a)	5.00
Playing on grounds wet or otherwise unsuitable for play without damage to turf.....	50.15(b)	5.00
Unauthorized use of golf or tennis facilities where fee has been prescribed.....	50.15(c)	5.00
Archery: Use of bows and arrows except in park areas designated by order of the superintendent.....	50.15(d)	2.00
Ice Skating: Fast and reckless skating, failing to abide by directions of the Park Police.....	50.15(e)	2.00
Bicycles: Riding except upon the roads or designated areas.....	50.40(a)	2.00
Boating: Permitting privately owned boat, canoe, raft, or floating craft to be operated upon waters in park area without official permission.....	50.41	2.00
Camping: Camping, loitering, or sleeping with intent to remain more than 4 hours except upon proper authorization of the Superintendent.....	50.25(k)	5.00
Comfort Stations (revised Aug. 19, 1946):		
Loiter in.....	50.9(a)	*5.00
Improper use of.....	50.9(b)	5.00
Interfere with attendant.....	50.9(c)	5.00
Destruction of property therein.....	50.9(d)	10.00
Commercial activities:		
Soliciting of alms and contributions for private gain.....	50.24(a)	10.00
Soliciting of patronage by guides or other persons.....	50.24(a)	5.00
Display of distribution of any form of commercial advertising without permission.....	50.24(b)(1)	2.00
Photographing a public monument or memorial that includes any commercial vehicle or bus, without permission.....	50.24(b)(2)	2.00
Photographing models demonstrating wearing apparel or other commercial articles, without permission.....	50.24(b)(3)	2.00
Selling, exposing article for sale, or charging admission fee, without permission.....	50.24(c)	10.00
Fishing:		
Fishing in fountain basins and ornamental pools.....	50.18(d)	2.00
Fishing from the banks of the Potomac River, Anacostia River, Rock Creek, Washington Channel, Chesapeake and Ohio Canal or other waters within park areas where such banks have been posted with official signs prohibiting fishing.....	50.18(e)	2.00
Unlicensed fishing where license is required by State laws.....	50.18(c)	2.00
Fishing in the Tidal Basin between March 31 and May 30.....	50.18(d)	2.00
Gambling: Participating in games for money or property, or the operating of gambling devices for merchandise or otherwise.....	50.17	*10.00
Indecency, immorality, profanity: Committing obscene or indecent acts.....	50.26(a),(f)	*25.00
Urinating or defecating in any place other than the places officially provided therefor.....	50.26(b)	10.00
Committing adultery or fornication in park areas.....	50.26(c)	*25.00
Addressing, soliciting, or attempting to make the acquaintance of another person for immoral or indec purposes.....	50.26(d)	*25.00
Using profane or indecent language.....	50.26(e)	10.00
Lamps and Lampposts:		
Breaking any lantern, glass, frame, street designation, or fixture on public land.....	50.8(a)	10.00
Remove, extinguish, or obstruct the light in any public lamp.....	50.8(b)	10.00
Climbing upon, damaging, attaching guy line or sign, defacing, or piling material against a public lamppost.....	50.8(c)	5.00
Liquors, use of: Drinking beer, wine, or spirituous liquors except at places licensed for the sale thereof.....	50.28(a)	10.00
Lying upon park benches.....	50.25(j)	2.00
Nuisances:		
Committing a nuisance of any kind or engaging in disorderly conduct in park areas prohibited.....	50.25	10.00
Scuffling and wrestling in the vicinity of other persons.....	50.25(a)	10.00
Intentional throwing or dropping of breakable articles.....	50.25(b)	10.00
Throwing stones or other missiles.....	50.25(c)	10.00
Throwing or dropping any object from windows at the top of Washington Monument or from staircase landings.....	50.25(d)	10.00
Throwing or leaving paper, fruit skins, or other rubbish except in receptacles officially provided for same.....	50.51(c)	2.00
Spitting refuse from private property in officially provided receptacles for park refuse.....	50.25(e)	5.00
Spitting upon sidewalks or paths.....	50.25(f)	5.00
Discharging fireworks, firearms or other explosives without official permission.....	50.25(g)	10.00
Bathing, swimming or wading in any fountain or pool except where officially authorized.....	50.25(h)	2.00
Carrying or possessing, while in any park area, a gun, air gun, sling, dart, projectile thrower, knife with blade exceeding 3 inches, or other dangerous weapon.....	50.49(a)	*25.00
Obstructing entrances, exits, sidewalks:		
Occupying roads, highways, bridges, walks, footpaths, or bridle paths in such a manner as to hinder or obstruct their proper use.....	50.30(a-c)	10.00
Photographing other than commercial; restrictions:		
Photographing of persons posing in a frivolous or undignified manner within, upon, or by any National Memorial.....	50.45(a)	5.00
Using tripod or other device for the support of Camera or other instrument on the floors or steps of any memorial unless equipped with proper scratching or other damage.....	50.45(b)	5.00
Making motion or sound pictures without permission, excepting amateurs and bona fide newsreel photographers.....	50.45(c)	5.00

SCHEDULE OF MINIMUM COLLATERAL—Continued

Violations	N.C.R. regulations	Col- lateral
Picnics:		
Preventing holders of official permits from occupying groves on dates and between hours specified.....	50.14(a)	\$2. 00
Building fires in areas other than established fireplaces, without permission.....	50.50(a)	2. 00
Leaving garbage and refuse in park areas other than receptacles provided for same.....	50.14(c)	2. 00
Public property:		
Climbing upon or injuring any monument or structure.....	50.7(a)	*5. 00
Interfering with water system.....	50.7(b)	*5. 00
Removing of lifebuoys except for the purpose of aiding persons in the water.....	50.7(c)	*5. 00
Injury to lawns, short cuts.....	50.7 (d), (e)	2. 00
Removing, tampering with or damaging any official or public sign.....	50.7(f)	*2. 00
Dumping without authority.....	50.7(g)	5. 00
Storing material without authority.....	50.7(h)	10. 00
Enclose any park area or erect any fence, wall, or build any road, trail, bridge or other structure, without authority.....	50.7(i)	10. 00
Pour or cause to spill on park area, any gas, salt, acid or other deleterious substance, without authority.....	50.7(j)	*10. 00
Remove or damaging Government property.....	50.7(k)	*5. 00
Roller skating and coasting:		
Roller skating except in designated areas.....	50.40(b)	2. 00
Operating sleds, sleighs, scooters, coaster wagons or similar vehicles except in designated areas.....	50.40(c)	2. 00
Scientific specimens, collection of: Collecting of natural objects without permission.....	50.43	3. 00
Traffic and motor vehicles:		
Cleaning or repairing except in cases of emergency.....	50.35	2. 00
Driving or parking in gutters where no curb exists.....	50.33(a-7)	2. 00
Driving or parking on any footpath, bridlepath, towpath, walk, sidewalk, footbridge, horsebridge or lawn area.....	50.32(1)	5. 00
Driving over or parking on park area other than road, street, or designated parking space, whether such is grasses or not.....	50.33(a-1)	5. 00
Left turn from one-way road, from any lane other than lane nearest left curb or edge of roadway.....	50.32(k)	5. 00
Operation of passenger-carrying vehicles with curtains drawn more than halfway down, except for funerals or protection from the elements.....	50.31(g)	2. 00
Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.....	50.32(i)	5. 00
Operating commercial vehicles in park area without official permit.....	50.36(a-c)	5. 00
Operating vehicle without adjustment to prevent excessive fumes or smoke.....	50.39	5. 00
Cruising taxicabs in restricted areas.....	50.36(d)	5. 00
Parking at night in unlighted park areas.....	50.33(a-3)	2. 00
Parking with windows screened or curtains drawn, in park areas.....	50.33(a-4)	2. 00
Parking which involves contact with any tree, shrub, plant, or with its exposed roots.....	50.33(a-8)	2. 00
Unauthorized parking in park area.....	50.33(b)	10. 00
Tampering with or attempting to enter or start any motor vehicle without authority from the owner.....	50.38	*25. 00
Operating vehicles without permission across bridges when the weight, which includes load, is in excess of officially posted weight limit sign.....	50.37(a)	100. 00
Note: Traffic violators charged with violations of the traffic regulations promulgated for the District of Columbia, and applicable to all park areas within the confines of the District of Columbia, will be required to post collateral in accordance with the official list of minimum collateral requirements for such violations.		
Trees, shrubs, plants:		
Removing or injuring trees, shrubs, plants, grass and other vegetation.....	50.10(a)	*5. 00
Hitch, tie, fasten, nail, anchor, screw, or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, handbill, board or other article to any tree, shrub, or plant, without permission.....	50.10(c)	5. 00
Vagrancy: Sleeping, loafing, in park areas by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation and unable to establish residence.....	50.25(1)	300. 00

Note 1: Where the specified cash collateral is \$25 or more, the amount of bond in lieu of said cash collateral shall be \$100.00.

Note 2: Attention is directed to the fact that the foregoing amounts represent only "minimum" collateral. This amount may be increased depending on the seriousness of the violation, this is particularly true in cases of violations preceded by the (*) asterisk.

[24 F.R. 11014, Dec. 30, 1959, as amended at 31 F.R. 6316, April 26, 1966]

