

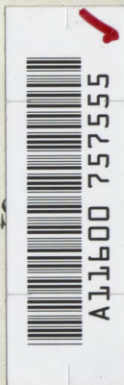
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SUPREME COURT PARKING

BUILDING SURVEY—AKRON, OHIO

(88-12)



HEARINGS
BEFORE
COMMITTEE ON PUBLIC BUILDINGS
AND GROUNDS
OF THE
COMMITTEE ON PUBLIC WORKS
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS
FIRST SESSION
ON
H.R. 2022 and H.R. 2141
MARCH 7 AND OCTOBER 9, 1963

Printed for the use of the Committee on Public Works



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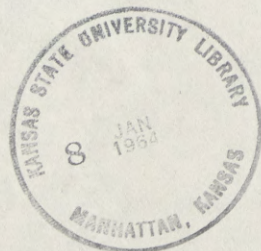
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SUPREME COURT PARKING

THURSDAY, MARCH 7, 1963

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in room 1302, Longworth Building, Hon. John J. McFall presiding.

Mr. McFALL. The Subcommittee on Public Buildings and Grounds will come to order for the purpose of hearing testimony on H.R. 2022 by Congressman McFall, and similar bill H.R. 2141 by Mr. Johnson, both Members from California.

The purpose of the bills is to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the U.S. Supreme Court Building.

(H.R. 2022 is as follows:)

[H.R. 2022, 88th Cong., 1st sess.]

A BILL To provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the United States Supreme Court Building

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act.

SEC. 2. Any proceeding for condemnation brought under section 1 shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D.C. Code, secs. 619-644), and in accordance with the Federal Rules of Civil Procedure in effect at the time of such condemnation.

SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to the provisions of the Act of May 7, 1934 (40 U.S.C. 13a and 13b), and to the provisions of the Act of August 18, 1949 (40 U.S.C. 13f to 13p, both inclusive), and such Acts are amended accordingly.

SEC. 4. Upon acquisition of the real property herein authorized to be acquired, the Architect of the Capitol is authorized to provide for the demolition and removal as expeditiously as possible of any buildings or other structures on, or constituting a part of, such property, and to provide for the maintenance and protection of such property pending demolition.

SEC. 5. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

SEC. 6. The appropriation of such sums as may be necessary to carry out the provisions of this Act is hereby authorized.

Mr. McFALL. Before we take the testimony of the Architect of the Capitol, Mr. Stewart, who is so kindly with us this morning, the Chair would like to give the Member from California, Mr. Johnson, the opportunity to make whatever statement he desires to make at this time, as he has to go to another committee meeting.

Mr. Johnson.

**STATEMENT OF HAROLD T. JOHNSON, MEMBER OF CONGRESS
FROM THE SECOND CONGRESSIONAL DISTRICT OF THE STATE
OF CALIFORNIA**

Mr. JOHNSON. Thank you, Mr. Chairman, and thank you, Mr. Stewart.

Members of the committee, as a coauthor to H.R. 2022 and introducing H.R. 2141, providing for the acquisition of a certain piece of property in square 758, comprising lots 2, 3, 800, 801, and 802 in square 758, which is now being used, or a portion of said property is now being used as a parking lot facility for the Supreme Court employees, I would like to say that this bill would authorize the Capitol Architect to proceed with the acquisition of said property if these bills are enacted.

During the last session of Congress, a similar bill passed the Senate and arrived here too late for consideration. Therefore, at the request of Senator Hayden and the Chief Justice of the United States, Congressman McFall and myself introduced companion bills to that bill which was reintroduced in the Senate again this year, and you are now considering this legislation today.

I believe this to be a very wise purchase, because these parking lot facilities are very much in short supply here in the Capitol area, and certainly the Supreme Court employees need an adequate parking facility. A good portion of this area is now being used as a parking lot, so it would only involve the destruction of three small frame houses now located on this property.

The seller is willing to negotiate with the Government for the acquisition of this property, and I am certain if this bill were enacted it would allow the Capitol Architect to proceed and have the necessary appraisals made. Then, if the appraisals meet the approval of the Appropriations Committee, why, the property could be acquired for this purpose.

If the property were acquired, it would become a part of the Supreme Court facilities and be operated and maintained under their jurisdiction, and the policing of this lot would be carried on by the Supreme Court security forces. Therefore, I strongly support this piece of legislation and ask for favorable consideration of it by the committee.

Mr. McFALL. Thank you, Mr. Johnson.

Mr. Stewart, I am very happy to have you with us this morning and we will be glad to listen to your statement.

STATEMENT OF J. GEORGE STEWART, ARCHITECT OF THE CAPITOL

Mr. STEWART. Thank you, Mr. Chairman and gentlemen of the committee.

In response to your communication, I have the following report to submit on H.R. 2022 and H.R. 2141, identical bills, providing for the

acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

These bills authorize the Architect of the Capitol to acquire lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, located at the northwest corner of Third and A Streets NE., east of the U.S. Supreme Court Building and grounds.

I believe before your committee is a map on which I have located in red the property in question.

This property consists of approximately 15,000 square feet of ground, of which approximately 11,300 square feet are now used as a parking lot by the U.S. Supreme Court under a month-to-month rental agreement. The remainder of the property is occupied by three frame houses.

The Marlow Coal Co., who owns this property, advises that they have consulted an architect and been advised that they can erect a luxury apartment on this site at a cost of \$750,000, excluding the value of the land.

It would seem sound business judgment for the Government to acquire this property while it is, for the most part, unimproved land and buy it at a comparatively low price, rather than wait and take it at some time in the future when it may be necessary to condemn it as improved land of a value of nearly a million dollars.

The Marlow Coal Co. advises that they are willing to sell this property to the Government at this time if a price satisfactory to all parties can be agreed upon. They have indicated a selling price in the order of \$200,000 as their present thinking.

The Chief Justice of the United States advises that he is anxious that the Government purchase this land and that it continue to be used for the parking of automobiles of employees of the Court. After a careful canvass of the situation, the Chief Justice states that it was found that this is the only lot sufficiently close to the Supreme Court Building to afford parking space for the Court's personnel, and further stated that women constitute a large percentage of such personnel, and during the winter work until after it is dark, and that it would be dangerous for them to have to park their cars a great distance away from the Court. The Chief Justice further advises that, if deprived of this lot, he knows of no other way that the Court's needs can be met.

Upon enactment of either of these bills and before coming to the Appropriations Committees for funds for acquisition, I would have these properties appraised by competent appraisers; that is, a spot appraisal executed solely for the purpose of budgetary work by the Appropriations Committee who would be paid for such services from the appropriation "Contingent expenses" under my charge, and I would say here that the Congress has been very gracious in giving me a contingent fund to work on. I can draw on that fund with the approval of Senator Hayden, who is Chairman of the Senate Appropriations Committee, or the Speaker of the House, or both, which appropriation would be available for such purpose after, but not before, enactment of either of these bills. Any estimate of appropriation submitted to the Appropriations Committees for the acquisition of the properties designated in these bills would be submitted on the basis of such appraisals.

These bills provide that, upon acquisition of the properties to be acquired, they shall become a part of the grounds of the U.S. Supreme Court Building and shall be subject to the act of May 7, 1934, which would place their maintenance under the Architect of the Capitol; also to the act of August 18, 1949, which would place the grounds under the protection of the Supreme Court Police force.

I strongly recommend enactment of this proposed legislation.

If the committee would bear with me, I would like, just as a matter of information, to outline briefly some of the steps we take in the acquisition of lands, since I have been in this office.

After the spot appraisal is made, that is, for budgetary purposes, we immediately turn this over once the money is appropriated to the Department of Justice, who, in their wisdom and with their complete control, engage other appraisers, and from that they start the condemnation proceedings, provided they cannot come to a satisfactory agreement with the owners.

I think that is about all I can say at this time, Mr. Chairman.

Mr. McFALL. Thank you, Mr. Stewart.

Are there any questions?

Mr. HARVEY.

Mr. HARVEY. Mr. Stewart, can you tell me this, sir—I am looking at the map you furnished the subcommittee here.

Mr. STEWART. Yes, sir.

Mr. HARVEY. What is located to the west of the land we are talking about here now, between that land and the U.S. Supreme Court Building? Is that built up?

Mr. STEWART. Yes. That is all residential.

Mr. HARVEY. It is residential?

Mr. STEWART. It is all residential. Yes.

Mr. HARVEY. Is there any other public ownership in between there?

Mr. STEWART. Not that I know of.

Mr. HARVEY. How about on Second Street north of A Street? Is there any public ownership in that block up there, or is that all built up and residential?

Mr. STEWART. North?

Mr. HARVEY. I am looking at that same block this land is in.

Mr. STEWART. Yes. On square 758.

Mr. HARVEY. Yes. Is there any public ownership at all in that square?

Mr. STEWART. None that I know of.

Mr. HARVEY. It is all built up in residential, with the exception of—

Mr. STEWART. There is one apartment building there, I believe.

Mr. HARVEY. What is that building labeled "the Senate"?

Mr. STEWART. That is an apartment building—the Senate Apartments.

Mr. HARVEY. Is this land in red that you are asking us to authorize the purchase of now, not built upon at the present time? Is that right?

Mr. STEWART. Well, outside of the three framehouses, the other part is open. It is being used as a parking place now.

Mr. HARVEY. On what part of the red are the three framehouses located?

Mr. STEWART. Over on the corner of Third Street and A Street.

Mr. HARVEY. Do we have a lease here? Does the Supreme Court or the Government have a lease on this land at the present time?

Mr. STEWART. They rent it now on a month-by-month basis from the Marlow Coal Co.

Mr. HARVEY. In other words, on a month-by-month basis, and it is no longer period than a month? In other words, the Marlow Coal Co. can give notice?

Mr. STEWART. I have been so advised by the Chief Justice.

Mr. HARVEY. How much are we paying a month at the present time?

Mr. STEWART. They are paying around \$1,800 a year.

Mr. HARVEY. \$1,800 a year?

Mr. STEWART. Yes, sir.

Mr. HARVEY. And you have estimated the value of this land at what—\$200,000?

Mr. STEWART. No, I have not put any estimate on it. That was the asking price of the Marlow Coal Co. That would be checked by two sets of appraisers before there would be any action taken on it.

In any event, the Department of Justice would have charge of all the condemnation proceedings that might be necessary, or lead to agreements that might be entered into.

Mr. HARVEY. What are the plans of the Government at the present time? Are they to acquire as much land in these blocks 785, 786, 759, as possible? Whenever the ownership turns up, that is? Do we have an overall plan on this?

Mr. STEWART. There is a feeling among some of the Members on both sides, in the Senate and the House, that in the future there may be a demand for additional space for expansion of grounds and expansion of buildings, or some other operation that may come in that we have no conception of at the present time.

However, if I may tell the gentleman something like this: At the time that the rezoning took place in the District, I was asked by the leaders of both the House and the Senate to try to keep the zoning in exactly the same way that it was and not change it, or let them come down and rezone the area. It was 87-percent residential at that time, and it is still 87-percent residential now. We have tried to keep it that way, so that if, in the future, the Government needed it for anything, or for any purpose at all, whether it might be for grounds, or landscaping of some description, or even buildings—whatever they may be—they would certainly not have to pay for expensive apartment houses or business buildings that might be erected there at that time, or anything like that.

Mr. HARVEY. I have no further questions.

Mr. McFALL. Mr. McLoskey.

Mr. McLOSKEY. Mr. Stewart, as a matter of information, for a first-terminer down here, this property across from the Old House Office Building that has been cleared off—

Mr. STEWART. Yes, sir.

Mr. McLOSKEY. What are the plans for that? The reason why I am asking this question is, I want to know is any of this being contemplated to be used for parking facilities, or for a building, or a memorial, or just what?

Mr. STEWART. At the present time, Congressman; no. At the time that that property was acquired for the Rayburn Building, Mr. Ray-

burn at that time, and Mr. Vinson and Mr. Auchincloss, decided that, instead of "paying through the nose" every time they put up a building in the expansion of the House, or some other building around here, on account of the character of the buildings on those lots it might be advisable to raze them and have a landscaped area around those buildings. That has been completed back on the C Street side. It left the one area to the east of the Old House Office Building, which has been completely razed now.

It was planned at that time that part of the expansion of the Library of Congress would be put there underground, with a so-called security vault for their rare books and papers and treasures, and things like that, and for the further expansion of the Library of Congress it would go to the east.

Since that time the Madison Memorial group have come in and asked for permission to put their building on the top of this so-called security vault underground, so it could be serviced for others.

As it is proposed now, and I might say this, it is not of the same type of memorial as the Jefferson Memorial or the Lincoln Memorial. It will be a functional building in which there will be 20 rooms set aside for students and visitors to have the papers brought up by conveyor, or whatever they may want to work on.

Since that has come in it has sort of held up the action on the Library of Congress. If the Madison Memorial were not put in there, the plans of the House Office Building are that that will be landscaped and kept open. There will be no parking.

Mr. McFALL. If the gentleman will yield at that point?

Mr. McLOSKEY. Yes, sir.

Mr. McFALL. That legislation is within the jurisdiction of this committee. We heard testimony on it last year. The bill was passed out of the committee and approved by the committee, and any time in the future, should there be a building on that lot, or this Madison Memorial which is proposed, it would be before the committee.

Mr. McLOSKEY. Thank you, sir.

Mr. McFALL. Are there any further questions?

Mr. CLEVELAND. Developing the same question asked by Mr. Harvey, I am interested in an overall plan too. Did I understand you to say that there is no overall plan of land acquisition for the use of the Government on the Hill?

Mr. STEWART. Let me go back into the history. At the time that L'Enfant laid out the city of Washington, it was planned at that time to have an area that would be east of the Capitol, landscaped with a wide mall. In 1852, Mr. Walters, who was the fourth Architect of the Capitol, and the man who put on the dome and two wings on the Capitol, revised that plan, and it is on the books today.

I have no ability to foresee what may be done with the property, but there has been amongst the leaders of this Congress a feeling assuming that it would be much better to keep it in a residential area, so that it would lend itself to approval with less dollars than it would be if it were permitted to be built up.

There was still another feeling of another segment of the Congress that we should not have another job done out front. I see a lot of homes out there that have been remodeled at modest cost. They are very, very comfortable, and very beautiful. Although the neighborhood is not so good, nevertheless, they are very nice homes.

We have quite a few homes in that area that do not meet the living standards of the District of Columbia. There are none that have been condemned, but they have been put under a blanket to try to get the people who occupy and own the buildings to brighten them up a little bit.

Does that answer the question which you had in mind?

Mr. CLEVELAND. It answers the original one.

Mr. McLOSKEY. I think you brought out earlier, or at least I assumed this was the position of the leadership, that by keeping it in residential zoning, if at any time you wanted to condemn the property or purchase it, it would be much cheaper than to change the zoning and allow it to go up into commercial property, or some other type.

Mr. STEWART. That is right.

Mr. CLEVELAND. But I think my question is probably more to the point of do you have any overall acquisition plan?

Mr. STEWART. In 1956 the National Capital Planning Commission, which was then headed by Mr. Bartholomew, made a study of the area to the east of this Capitol. It was based on the thought that L'Enfant had in the beginning, and also what Mr. Walters had. That has never been submitted to any committee for approval. I will be very happy to show it to you sometime, but it is just their way of thinking.

I have no way of knowing at all whether this present National Capital Planning Commission has approved of it. It has never been submitted or acted upon. But it was made in 1956.

I have no authority to change the map of the District. That is entirely in the hands of the National Capital Planning Commission. They must approve of it. I will be very happy to let you see it, but is only a study that was made.

Generally it consists of an East Capitol Street widening with a mall about two-thirds of the width of what there is to the west, with the building line set back in line with the Folger Library. On either side of that mall it would be reserved for Federal buildings alone for the legislative, because all of the building sites are being used up in Washington, and if the legislative branch does not preserve for itself space for the future for its own expansion, I would not know where they could go. They are limited right now to the west and north and south, and that is the only area they have for real expansion.

Mr. CLEVELAND. Thank you.

Mr. STEWART. I have no way of knowing what the future will hold for it, but that has been some of the thinking of both the National Capital Planning Commission and ourselves.

Mr. CLEVELAND. Do you think it would be useful to have a definite policy or plan instead of just having a self-piecemeal acquisition program like that?

Mr. STEWART. I would like very much to have a plan adopted. I would like it very much, but on the advice of the late Speaker, Mr. Rayburn, he just told me at that time, "We just started on the House Office Building project requiring a lot of ground over there, and for heaven's sake, don't do anything." So that's what stopped it at that time.

Mr. CLEVELAND. Thank you.

Mr. McFALL. Mr. Harvey, do you have any further questions?

Mr. HARVEY. For the benefit of these new members over here, Mr. Stewart, could you tell us what the House Building Commission is?

Mr. STEWART. Yes, sir. It consists of the Speaker, who is Chairman; Mr. Vinson, who is the majority representative; and Mr. Auchincloss, the minority representative.

Mr. HARVEY. And could you tell us, Mr. Stewart, whether the House Building Commission has considered this particular purchase we are talking about here today? Have they met and discussed this project?

Mr. STEWART. Not that I know of, because it is on the Senate side of the Capitol grounds, and usually these things originate on one side or the other.

Mr. HARVEY. So as far as your testimony is concerned, you are telling us they have taken no action on this, nor made any recommendations for the purchase, nor against the purchase. Is that right?

Mr. STEWART. No. The House Office Building Commission is limited. It was first limited to everything south of Independence Avenue for the expansion of the Capitol Grounds or the expansion of the House of Representatives, as far as building is concerned. Since that time, last year, the Congress did pass and extend that over to the centerline of East Capitol Street, from East Capitol Street down to Independence Avenue, which included the Senate. It is so divided that it has everything from the centerline of East Capitol to G Street, north.

Mr. HARVEY. So actually the House Building Commission has no jurisdiction over this. Is that what you are telling us?

Mr. STEWART. That is right. They have jurisdiction over everything to the center of East Capitol Street.

Mr. HARVEY. Does the Senate have a similar Commission of that sort?

Mr. STEWART. No, sir. They have a Senate Office Building Commission, but they confine themselves to the Senate Office Building. But on the House side, the House Office Building Commission has authority not only over the Grounds, but also the buildings themselves, and it is much more expansive than what it is on the Senate side.

Mr. HARVEY. You had told us you had made what they call an on-the-spot appraisal. Is that correct?

Mr. STEWART. No, sir. I will have.

Mr. HARVEY. I beg your pardon?

Mr. STEWART. I will have when this legislation is passed. I cannot move until I get some authority. Then I shall go the Appropriations Committee and ask permission to pay two appraisers who will make a spot appraisal for budgetary purposes.

Mr. HARVEY. The only thing we have now is an offer to sell from the Marlow Coal Co. Is that right?

Mr. STEWART. That is right.

Mr. HARVEY. Can you tell us from your experience, Mr. Stewart, in purchasing property in this area, how the price of this land, for example, would compare with the price of the lands, for example, to the west of it?

Mr. STEWART. I might say this: To the north of this property recently we acquired all the property in the square where the Carroll Arms is, and the Plaza Hotel, and the Government building. I also

know that the Veterans of Foreign Wars paid a rather high price for their corner there. I would say that this is a very attractive price

Mr. HARVEY. A very attractive price?

Mr. STEWART. Yes, sir. Based on the past experience of the last 2 or 3 years.

Mr. HARVEY. So you satisfied yourself there is nowhere else, at least in block 758, where we could purchase equivalent land?

Mr. STEWART. No, sir, I don't know of anything.

Mr. HARVEY. And certainly you have satisfied yourself that we couldn't purchase land closer to the Supreme Court Building at anywhere near the same price?

Mr. STEWART. As far as I can tell now without getting an appraisal on it, I would say no.

Mr. HARVEY. Could you tell us how many cars per day park on this land at the present time?

Mr. STEWART. There are 45 of them that are just sort of bumper-to bumper. This would enable them to put between 60 and 65 there.

Mr. HARVEY. Can you tell us whether there is a need for more than the 45 cars there?

Mr. STEWART. Well, I would say so after the Chief Justice said so, who is the one who said he wanted it. And I do know the conditions that they are parking under over there now are such that they are really pretty well jammed up.

Mr. HARVEY. This is averaging out then to somewhere in the neighborhood of \$3,000 per car. Is that about it?

Mr. STEWART. That is right.

Mr. HARVEY. For space?

Mr. STEWART. That is right.

Mr. HARVEY. After this is purchased, what funds are going to be necessary at that time in order further to improve this property for parking use?

Mr. STEWART. After the purchase is made, the only work that would be done then would be to level the property and put on a bituminous surface.

Mr. HARVEY. Can you tell us approximately what that is going to cost?

Mr. STEWART. In the neighborhood of \$10,000. That is flexible because I don't know just what salvage there might be in the old houses.

Mr. HARVEY. Do you think you can tear down the three buildings that are presently on the property and cover the property with a bituminous surface for \$10,000?

Mr. STEWART. Yes, because part of it is already surfaced.

Mr. HARVEY. So that actually the total cost you are telling us for these 66 cars would be somewhere in the neighborhood of \$210,000, if we accept the seller's offer?

Mr. STEWART. That is right, sir.

Mr. HARVEY. I will tell you why I am concerned about this, Mr. Stewart. It is because I think we have a conflict in philosophy here, or at least we do to a certain extent. I certainly agree with the philosophy that we should try to acquire property which it reasonably looks as though the U.S. Government will need for its purposes in the fairly immediate future, before the area gets built up and would cost us an exorbitant sum to acquire. Yet, I think we have to recognize

that the purchase of property such as this, that is not budgeted, is going to be purchased out of borrowed funds. The authority for this is not contained in either the 1963 or 1964 budgets, I gather, is it?

Mr. STEWART. No.

Mr. HARVEY. Nor would the funds be contained in either of those budgets?

Mr. STEWART. No, sir.

Mr. HARVEY. And, of course, when we started off in fiscal 1964 with a \$11.8 billion deficit, whatever we add on to that deficit we are adding on more borrowed funds, and we have the interest payments on our national debt today almost up to \$10 billion a year.

So it seems to me not only do we on this committee have to consider what we might reasonably have to pay in the future to acquire this property, but also we have to give serious consideration to the interest we are going to be paying out here in the years ahead if we charge it up as we are doing. That is the part that bothers me.

I think you have done a good job in satisfying us today that this property is needed. I have no further questions, Mr. Chairman.

Mr. McFALL. Thank you.

I think you brought out the important points that the committee should know in considering this legislation, Mr. Stewart.

Are there any questions on my right?

Mr. RYAN. I am rather interested and somewhat surprised at hearing about this matter, because I am still rather new, and I would like to be informed about it. I thought earlier you said something about the fact that there was no long-range overall plan for the vicinity of the Capitol Building. Is that right? Did you say that?

Mr. STEWART. You mean for the extension of the Capitol Grounds at some time in the future?

Mr. RYAN. Yes.

Mr. STEWART. The only thing that is on file are some studies that were made for it.

Mr. RYAN. The city here has a Zoning Commission, I presume, and you did say they have zoned a certain area around here, and you have been asked that it be kept strictly as it is.

Mr. STEWART. Why I brought in the Zoning Commission is that by law I am the representative of the Congress of the United States on the Zoning Commission. That is the reason why I had these instructions from the leadership at that time, to try to keep the same zoning as before they came in to rezone it.

Mr. RYAN. To what extent would that zoning go? Would it be about a mile around the Capitol Building, or what would be the circumference of it?

Mr. STEWART. According to the legislation passed by the Congress last year, it takes in everything from G Street north to 11th Street, that is, Lincoln Park to the east, and the House Office Building Commission under the 1955 act can acquire everything between here and the Potomac River and Anacostia River for the House of Representatives or its grounds.

Mr. RYAN. According to the present zoning laws, this area is to remain in accordance with the same regulations, in other words, mostly residential?

Mr. STEWART. Yes. Residential. It was set at around 87 percent and was kept this way.

Mr. RYAN. Within this area there would be no permit given for the construction of a new apartment house, or business or office building?

Mr. STEWART. We cannot stop a man who owns a piece of property or acquires three or four houses, from putting up what is presently permitted under the zoning, that is, 50- or 60- or 70-foot buildings, or certain forms of setbacks in little areas. We cannot stop that. But we can stop them from coming in and asking for a rezoning whereby they can put up something around 70 or 80 feet and take up that much more of the lot area.

Mr. RYAN. In order for the Government to acquire more property strictly for the expansion of the Capitol, or the House, or the Senate, or any of those facilities, could not a program be used such as putting it under the urban renewal program in order to condemn property and keep it in reserve for future use here?

Mr. STEWART. Again that would be up to the various groups that are represented. In the last two bills that were passed, the one on the House side, everything from East Capitol Street all the way over has to have the approval of the House Office Building Commission.

Mr. RYAN. And how many other committees?

Mr. STEWART. That is the only committee on this side. The 1950 act gave them that jurisdiction over that property. It said anything south to Independence Avenue adjacent to the Capitol Grounds or used for the extension of the buildings of the Capitol Grounds. On the other side from the centerline of East Capitol Street north to G Street was left in my hands to report to the U.S. Senate according to the law and the two bills.

That was the same in the General Services and Federal Property Act, when you gave them the right to acquire property for sites for public buildings anywhere in Washington. You imposed those restrictions in the bill at the last session of Congress.

Mr. RYAN. But you think in your opinion the procedure under the urban renewal program could be put to use here to clear some of this property and then reserve it? In other words, using the condemnation proceedings under that program?

Mr. STEWART. I am not familiar, Congressman, as to what urban renewal could do, but I would imagine if they are going to build some buildings on it, it would be all right. But I don't know about this. I am a little bit fuzzy as to whether or not they can acquire vacant land and use it for parking under urban renewal.

Mr. RYAN. It has been done in other areas.

There is something else I would like to ask you. In the Southeast section there is one solid block that is cleared now lying idle or vacant. Can you tell me to what use this property will be put?

Mr. STEWART. You mean this block over here by the Library?

Mr. RYAN. Yes.

Mr. STEWART. The plan from the beginning was to landscape it. It was to clear the lot and to landscape it because they wanted an open block all around the House Office Building, so in case in the future they wanted to build on it they did not have to buy some skyscrapers across the street from it.

Since that time, with the expansion of the Capitol, it has been proposed to put underground a certain portion of it for the expansion of the Capitol in that lot, and still landscape it. Then along came the Madison Memorial, which wished to put it on top of this, and

today there has been no action taken either on the expansion of the Library or the Madison Memorial.

Mr. RYAN. About 6 months ago there was quite a bit on the ground, but within that time it has all become vacant.

Mr. STEWART. What we have done there is, and we have done it with the direction of the House Office Building Commission, is, No. 1, we tried to preserve as many trees as we could until we had a landscaping plane. If you will take notice of the trees there on that property, they do not lend themselves very much to parking. But we do have natural drainage and covered it with 12 inches of topsoil, and it will be seeded this spring.

Mr. RYAN. And for the time it will be used as a landscaped area?

Mr. STEWART. Yes, sir. If the Madison Memorial will not be built it will still be landscaped.

Mr. RYAN. Is that property under the control of the House of Representatives?

Mr. STEWART. It is the House Office Building Commission that would be the committee charged with it.

Mr. RYAN. That is with the House Office Building Commission?

Mr. STEWART. Yes.

Mr. RYAN. Thank you very kindly.

Mr. THOMPSON. Mr. Chairman, I would be inclined to go along with the testimony of Mr. Stewart, with his long years of dedicated service and his vast knowledge of the growth of the Capitol area.

I might say, however, with all due respect to the chairman, sometimes I would rather find a parking area for the Supreme Court that would be built in California. But at the same time, I agree with the gentleman's vast knowledge of what is needed here. We have to put up with Government these days, and I would be inclined to go along with him.

Mr. McFALL. I have one or two questions, Mr. Stewart.

Mr. STEWART. Yes, Mr. Chairman.

Mr. McFALL. I believe you indicated that this area is normally within the taking area of the Senate. Is it your understanding that Senator Hayden, chairman of the Appropriations Committee in the Senate, was the author of the legislation in the last Congress which would authorize this taking in the same area as this legislation?

Mr. STEWART. That is right, sir.

Mr. McFALL. I believe your testimony covered it, but is it your information that there was no other land within the area which could be taken for parking for the Supreme Court?

Mr. STEWART. None that I know of.

Mr. McFALL. I believe your testimony also covered the fact that this is much needed by the Supreme Court and they can use more parking area than they have at the present time?

Mr. STEWART. That is right, sir.

Mr. McFALL. And if this is built on as it might be under the plans of Marlow Coal Co., there would be no parking for the Supreme Court. Is that correct?

Mr. STEWART. Yes, sir.

Mr. McFALL. Are there any other questions that any of the other members would like to ask Mr. Stewart?

(No response.)

Mr. McFALL. If not, I thank you very much, Mr. Stewart.

I would like to introduce into the record a letter to the chairman from the Board of Commissioners of the District of Columbia concerning this legislation, which indicates that the Commissioners offered no objection to the enactment of this legislation:

MARCH 4, 1963.

HON. CHARLES A. BUCKLEY,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

MY DEAR MR. BUCKLEY: The Commissioners of the District of Columbia have for report H.R. 2141 and H.R. 2022, identical bills to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

The Commissioners understand that the purpose of the legislation is to provide for the acquisition of property at the northwest corner of Third and A Streets NE., to be used as a parking lot for Supreme Court personnel.

The Commissioners offer no objection to the enactment of this legislation.

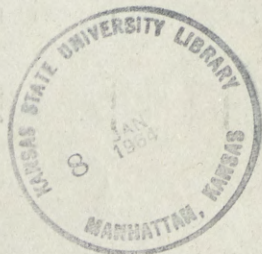
Time does not permit seeking the views of the Bureau of the Budget as to the relationship of this report to the program of the administration.

Yours sincerely,

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

Mr. McFALL. If there are no further witnesses and if there is no further action, the committee will be adjourned.

(Whereupon, at 10:45 a.m., the subcommittee adjourned.)



I would like to introduce into the record a letter to the chairman from the Board of Commissioners of the District of Columbia concerning this legislation, which indicates that the Commissioners offered no objection to the enactment of this legislation.

March 4, 1963.

Hon. CHARLES A. BICKLEY,
Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.

My Dear Mr. Bickley: The Commissioners of the District of Columbia have for report H.R. 3111 and H.R. 3022 identical bills to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

The Commissioners understand that the purpose of the legislation is to provide for the acquisition of property at the northwest corner of Third and A Streets, N.W., to be used as a parking lot for Supreme Court personnel.

The Commissioners offer no objection to the enactment of this legislation. This does not preclude seeking the views of the Bureau of the Budget as to the relationship of this project to the program of the administration.

Yours sincerely,

WALTER M. THOMPSON

Deputy Board of Commissioners, District of Columbia

Mr. McLean: If there are no further witnesses and if there is no further action, the committee will be adjourned.

(Whereupon, at 10:45 a.m., the subcommittee adjourned.)

BUILDING SURVEY—AKRON, OHIO

WEDNESDAY, OCTOBER 9, 1963

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1302, Longworth Building, Hon. Robert E. Jones (chairman of the subcommittee) presiding.

Mr. JONES. The subcommittee will come to order to consider the proposal of the public works project for Akron, Ohio.

We are pleased to have with us this morning the sponsor of the project, our colleague, a distinguished Member of the House, Congressman Bill Ayres.

I am aware of the great effort on his part to secure the Federal building. He told me of the great need for the accommodations of the various agencies which would be active in the courthouse and post office buildings, so for that reason, I thought it necessary for us to hear him this morning. We are pleased to have you, Mr. Ayres.

STATEMENT OF HON. WILLIAM H. AYRES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. AYRES. Mr. Chairman, I want to thank you for the courtesy extended me in providing this hearing and the members of the committee for attending the committee hearing this morning in view of the fact that I know some of you had commitments away from town.

To begin with, Mr. Chairman, there are two projects involved. One is a Federal building with facilities for the holding of Federal court and the other post office facilities. First, I will discuss the court:

Congress, in 1954, by legislation, approved a sitting of the court in Akron, Ohio. Even though a sitting of the court was approved at that time, there were no facilities and there are still no facilities today.

Akron is the only large city in Ohio without these facilities. The reason, Mr. Chairman, this had not been pushed too hard before is because the docket was so full that it really wouldn't have meant too much by having facilities in Akron because there weren't enough judges to go around and, as you will recall, Mr. Chairman, the Congress created a number of new judgeships and one of these fell into this district.

You will find in the blue folder that you have a statement of the Akron Bar Association in support of the facilities for a U.S. district

court in Akron, Ohio, and rather than go into all the information that is here, Mr. Chairman, in the statement, which is self-explanatory, I would ask unanimous consent that that portion which is in the form of letters from the Akron Bar Association and that portion which is in the form of letters from the various Federal judges who have approved a sitting of the court, including the chief judge for the U.S. Court of Appeals for the Sixth District of Michigan, Ohio, Kentucky, and Tennessee, be inserted in the record at this point.

Mr. JONES. Without objection this will be received and printed in the record at this point.

(The material referred to follows:)

STATEMENT OF THE AKRON BAR ASSOCIATION IN SUPPORT OF FACILITIES FOR
U.S. DISTRICT COURT IN AKRON, OHIO

GENERAL STATEMENT

Akron, Ohio, is a city situated in Summit County, Ohio, and is approximately 35 miles south of Cleveland, Ohio. The population of Akron, according to the 1960 census, was 290,351 and the entire population of Summit County, including Akron, in 1960 was 513,569. Recent estimates of the Akron Chamber of Commerce have indicated that the population of Summit County is now approximately 536,000. The population of the county between 1950 and 1960 increased 25.2 percent.

Akron and its surrounding counties constitute an economic area of major importance in Ohio and in the United States. Although Akron has been known as, and in fact is, the rubber capital of the world, the Akron area is now of diverse industrial character. Akron is the headquarters of the trucking industry in the United States. General Motors, Chrysler, Babcock & Wilcox, and many other industries, in addition to the vast rubber facilities of Goodyear, Firestone, Goodrich, and General are located here. Further, the Akron area has been a locale of extensive industrial growth. In the past 7 years, 17 new industrial plants with an estimated investment of \$253 million, 9,000 new jobs, and a payroll of \$50 million have established here.

The northern district of Ohio of the U.S. courts is divided into two divisions, eastern and western. The western division holds court at Toledo, Ohio, and the eastern division holds court at Cleveland and Youngstown, but not in Akron, by reason of the fact that there are no facilities for the holding of court at Akron. According to the census figures of 1960, the eastern division of the northern district of Ohio covers 9,016 square miles and contains within that area a population of 4,179,813 people.

For many years, the bench and bar of Akron have recognized a need for Federal court sessions in Akron. Akron and its environs is the only large Ohio city lacking Federal court sessions and facilities. Cities of comparable size; namely, Toledo, Dayton, and Youngstown, have had Federal court sessions for many years.

It is the position of the Akron Bar Association that there is a clear and definite need for the establishment in Akron of Federal court facilities so that Federal cases and matters can be heard before a judge sitting in Akron. As hereinafter indicated, this court would serve an 11-county area having a total population of 1,409,068 in 1960. This statement is made in support of the need for Federal court facilities in Akron.

AUTHORITY FOR A FEDERAL COURT IN AKRON

In 1954, Congress recognized the necessity and desirability for the holding of Federal court sessions in Akron. An act approved February 10, 1954, amended section 115, title 28, United States Code, to provide for the holding of court by the eastern division of the northern district of Ohio in Akron. Sessions of the court at Cleveland and Youngstown had been authorized many years ago and a U.S. judge has been sitting in Youngstown for many years even though Youngstown is substantially smaller in size than Akron.

Section 142 of title 28, United States Code, provided that court shall be held only at places where Federal quarters are available or where quarters are furnished without cost to the United States. Since no quarters as required by the statute have been available for the holding of court in Akron, no Federal judge has been

able to sit in Akron for the handling of Federal cases even though this has been authorized by Congress. However, the Congress did in October of 1962 enact H.R. 11678, by the provisions of which the requirement of section 142 of title 28, requiring Federal quarters in Akron without cost to the United States was waived.

In report No. 2341 to the Congress, made by the Committee on the Judiciary, dated September 11, 1962, favorable recommendation for the passage of H.R. 11678 was made and, of course, as stated above, such legislation was enacted in October of 1962. The report of the committee stated in part:

"In view of the increase in population and the expansion of the economy and industry in the area in and about Akron, Ohio, your committee is of the opinion that permanent Federal facilities for the U.S. District Court for the Northern District of Ohio should be provided for in the proposed new Federal Building at Akron, Ohio."

THE NEED FOR FEDERAL COURT FACILITIES AT AKRON, OHIO

We believe that the holding of regular sessions of the U.S. district court in Akron will constitute an important contribution to the administration of justice in northern Ohio. That the convenience of parties, witnesses, and the court itself would be served by sessions here seems beyond argument. Indeed, this fact was recognized in 1954 when Congress authorized the holding of Federal court sessions at Akron. As stated above, every major city in Ohio of the size of Akron and even smaller presently have Federal court facilities and are served by a Federal judge.

We believe it logical that a court sitting in Akron would serve the population residing in 11 of the 19 counties which constitute the eastern division. A map, attached hereto as exhibit 6, delineates the counties which logically might be served by a court sitting in Akron. Also attached hereto are tables, being exhibits 1 and 2, showing the populations of the various counties in the eastern division and the population of the 11-county area that would be served by the Federal court here in Akron. As indicated by the data in exhibit 3, the Federal court in Akron would be much more easily accessible to the 11-county area than would be Federal courts sitting in Toledo, Cleveland, and Youngstown.

As stated above, the size and economic importance of the Akron area and surrounding counties clearly justifies the existence of Federal court sessions to serve them. A comparison of the population of the 11-county area which Akron would serve with the remaining counties of the eastern division is interesting:

Area	1950	1960
11 counties (Akron area).....	1, 127, 515	1, 409, 068
8 counties (Cleveland-Youngstown area).....	2, 234, 478	2, 770, 745
Total.....	3, 361, 993	4, 179, 813

The experience of the U.S. Bankruptcy Court now sitting in Akron fully supports the need for general U.S. court facilities at Akron. In 1957, after long efforts in this regard by the Akron Bar Association, a permanent full-time referee in bankruptcy sitting in Akron was authorized. The jurisdiction of the referee presently embraces Summit, Medina, and Portage Counties. The referee has been in office in Akron since June 1, 1958, and at all times has occupied leased quarters. The number of cases filed with the referee and which have originated from the Akron area in the last few years are as follows: 1959, 761; 1960, 989; and 1961, 1,231. Originally, the jurisdiction of the Akron referee covered Wayne, Ashland, Crawford, Holmes, and Richland Counties, together with Summit, Medina, and Portage. However, on July 1, 1961, the first-mentioned group of counties were assigned to the office of the Canton referee. Despite this fact, it will be noted that in 1961 there were almost twice as many cases filed with the Akron referee as in the year 1959. The sitting in Akron of a Federal referee in bankruptcy has immeasurably contributed to the expeditious and economic handling of bankruptcy cases in this area and this fact is now well known to all lawyers in Akron.

The docket of the U.S. district court in Cleveland has been badly congested for many years and this is true even though there has not been a sharp increase in the number of cases filed. Congress has recognized this fact by the authorizing of additional judges to serve in the eastern division. Nevertheless, the eastern division still has a substantial number of cases pending and, as indicated by

exhibits 4 and 5 attached, the 1960 median time interval from filing to disposition was 21.3 months and this constituted, according to the Administrative Office of the U.S. Court, the 10th longest nationally. Sessions of a Federal judge here would tend to reduce the time of disposing of pending cases and would improve the overall condition of the docket of the eastern division.

The need for Federal court sessions at Akron has been recognized by the Federal judiciary. The judges of the U.S. District Court for the Northern District have recognized this need and the Judicial Council of the Sixth Circuit has specifically recommended that suitable facilities for the holding of Federal court in Akron be provided in a new Federal building in Akron when the same is constructed. See exhibits 9 and 10 attached.

As stated above, the Akron Bar Association has for many years endeavored to secure Federal court facilities here. The Ohio State Bar Association has likewise recognized the need for Federal court facilities here. See exhibits 7 and 8 attached.

For the above reasons, we earnestly solicit your favorable recommendation for the construction of a Federal building in Akron, Ohio, so that Federal court sessions may be held in Akron.

OCTOBER 1, 1963.

Respectfully submitted.

AKRON BAR ASSOCIATION,
JAMES A. ALPETER, *President*.
R. G. JETER,
Cochairman, Federal Court Committee.
WILLIAM T. WALKER,
Cochairman, Federal Court Committee.

EXHIBIT 1

TABLE 1.—Populations of counties and principal cities of eastern division

	1950	1960		1950	1960
Ashland County.....	33,040	38,771	Medina County.....	40,417	65,315
Ashland.....	14,287	17,419	Wadsworth.....	7,966	10,365
Ashtabula County.....	78,695	93,067	Portage County.....	63,954	91,798
Ashtabula.....	26,696	24,559	Ravenna.....	8,847	10,918
Carroll County.....	19,039	20,857	Kent.....	12,418	17,836
Carrollton.....	2,658	2,786	Richland County.....	91,305	117,761
Columbiana County.....	98,920	107,004	Mansfield.....	43,564	47,325
East Liverpool.....	24,217	22,306	Stark County.....	283,194	340,345
Crawford County.....	38,738	46,775	Canton.....	116,912	113,631
Bucyrus.....	10,327	12,276	Summit County.....	410,032	513,569
Cuyahoga County.....	1,389,532	1,647,895	Akron.....	274,605	290,351
Cleveland.....	914,808	876,050	Trumbull County.....	158,915	208,526
Geauga County.....	26,646	47,573	Warren.....	49,856	59,648
Chardon.....	2,478	3,154	Tuscarawas County.....	70,320	76,789
Holmes County.....	18,760	21,591	New Philadelphia.....	12,948	14,241
Millersburg.....	2,398	3,101	Wayne County.....	58,716	75,497
Lake County.....	75,979	148,700	Wooster.....	14,005	6,511
Painesville.....	14,432	16,116			
Lorain County.....	148,162	217,500	Total, county and city..	3,361,993	4,179,813
Lorain.....	51,202	68,932			
Mahoning County.....	257,629	300,480			
Youngstown.....	168,330	166,689			

EXHIBIT 2

TABLE 2.—Populations of counties and principal cities of eastern division which would be served by court sitting in Akron.

	1950	1960		1950	1960
Ashland County.....	33,040	38,771	Stark County.....	283,194	340,345
Ashland.....	14,287	17,419	Canton.....	116,912	113,631
Carroll County.....	19,039	20,857	Summit County.....	410,032	513,569
Carrollton.....	2,658	2,786	Akron.....	274,605	290,351
Crawford County.....	38,738	46,775	Tuscarawas County.....	70,320	76,789
Bucyrus.....	10,327	12,276	New Philadelphia.....	12,948	14,241
Holmes County.....	18,760	21,591	Wayne County.....	58,716	75,497
Millersburg.....	2,398	3,101	Wooster.....	14,005	17,046
Medina County.....	40,417	65,315			
Wadsworth.....	7,966	10,365			
Portage County.....	63,954	91,798	Total, county (includes cities).....	1,127,515	1,409,068
Kent.....	12,418	17,836			
Richland County.....	91,305	117,761			
Mansfield.....	43,564	47,325			

EXHIBIT 3

TABLE 3.—Mileages between Akron and principal cities of eastern division which would be served by court sitting in Akron

From—	To Akron	To Cleveland	To Toledo	To Youngstown
Ashland.....	53	60	92	98
Bucyrus.....	89	97	78	134
Canton.....	23	57	143	52
Carrollton.....	51	85	171	49
Mansfield.....	64	73	100	114
Medina.....	20	29	103	65
Millersburg.....	47	72	139	90
New Philadelphia.....	47	75	169	79
Ravenna.....	17	34	146	38
Wooster.....	32	54	113	82

EXHIBIT 4

TABLE 4.—Cases pending in northern district of Ohio, eastern division

Fiscal year	Total civil cases			Private civil cases		
	Com-menced	Terminated	Pending, June 30	Com-menced	Terminated	Pending, June 30
1948.....	702	821	657	422	436	396
1949.....	938	669	926	542	353	585
1950.....	906	770	1,062	582	417	750
1951.....	809	729	1,142	490	375	865
1952.....	998	766	1,374	578	456	987
1953.....	1,091	980	1,485	458	477	968
1954.....	837	833	1,489	526	403	1,091
1955.....	775	781	1,483	529	527	1,093
1956.....	979	1,187	1,275	518	579	1,032
1957.....	853	1,156	972	489	741	780
1958.....	888	859	1,001	528	515	793
1959.....	895	925	971	462	482	773
1960.....	801	961	811	418	574	617

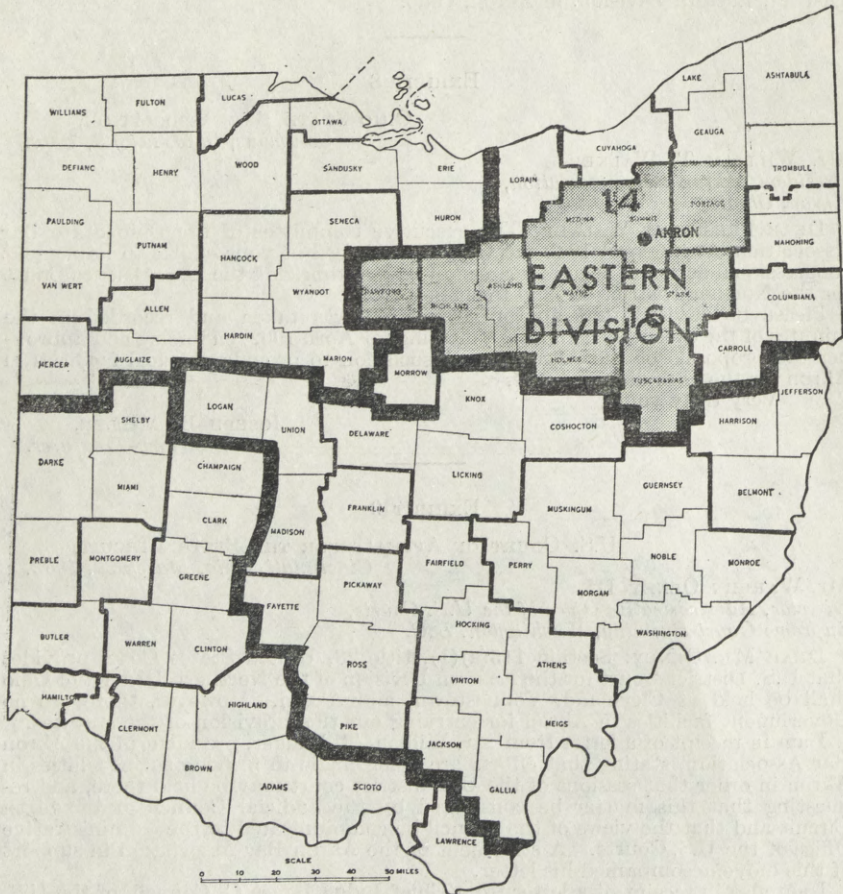
EXHIBIT 5

TABLE 5.—Median intervals between filing and disposition and issue to trial

Fiscal year	Number of trials	Ohio (northern)			
		Median interval (in months), filing to disposition		Median interval (in months), issue to trial	
		Eastern division	86 districts	Eastern division	86 districts
1948	50	16.0	9.9	9.9	5.8
1949	33	13.4	10.4	8.5	5.9
1950	85	16.2	11.2	12.0	6.7
1951	59	20.6	12.2	16.4	7.3
1952	35	30.7	12.1	21.2	7.0
1953	63	28.6	12.4	24.8	7.4
1954	49	30.7	13.5	22.3	8.1
1955	47	35.5	14.6	25.2	9.1
1956	45	33.7	15.4	30.9	10.3
1957	91	31.4	14.2	23.8	9.0
1958	70	22.4	13.9	17.6	8.9
1959	48	25.6	15.3	17.4	10.3
1960	56	21.3	17.8	18.5	11.5

EXHIBIT 6

MAP SHOWING DIVISIONS OF THE NORTHERN AND SOUTHERN DISTRICTS OF OHIO



NOTE.—Counties in eastern division which are shaded would be served by a judge sitting in Akron, Ohio.

EXHIBIT 7

RESOLUTIONS ADOPTED BY EXECUTIVE COMMITTEE OF AKRON BAR ASSOCIATION ON JANUARY 31, 1962

Whereas Congress in 1954 amended section 115, title 28, of the United States Code, to provide for the holding of court for the Eastern Division of the Northern District of Ohio in Akron, Ohio, and

Whereas due to the lack of a courtroom and other facilities, no judge of the U.S. District Court, Northern District, Eastern Division, has been or is able to hold court in Akron, Ohio; and

Whereas it is necessary and desirable that the residents of Akron, Canton, Wooster, and other communities near to Akron be provided with sessions of the U.S. District Court, Northern District, Eastern Division, in Akron, Ohio.

NOW THEREFORE, the executive committee of the Akron Bar Association does respectfully solicit the favorable recommendation of the U.S. District Court, Northern District, Eastern Division, and the U.S. Circuit Court of Appeals, Sixth Circuit, for the holding of court in Akron, Ohio, and for the creation of a courtroom and other facilities for such court; and

FURTHER, the executive committee does respectfully request the Administrative Office of the U.S. Courts, the General Services Administration, and any other

governmental bodies or agencies which may be concerned to provide a courtroom and other facilities for the holding of court of the U.S. District Court, Northern District, Eastern Division, in Akron, Ohio.

EXHIBIT 8

OHIO STATE BAR ASSOCIATION,
Columbus, Ohio, May 3, 1962.

MR. WILLIAM T. WALKER,
*President, Akron Bar Association,
Akron, Ohio.*

DEAR PRESIDENT WALKER: The executive committee of the Ohio State Bar Association, at its April 1962 meeting, was advised of your efforts to implement congressional action of several years standing, authorizing the U.S. District Court for the Northern District of Ohio to sit in Akron.

Please be advised that appropriate action was taken and recorded in the minutes of the executive committee meeting for April 1962, endorsing and approving the proposals of the Akron Bar Association to provide physical facilities in Akron for the U.S. district court.

Very truly yours,

JOSEPH B. MILLER,
Secretary-Treasurer.

EXHIBIT 9

U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT,
Cincinnati, Ohio, March 29, 1962.

MR. WARREN OLNEY III,
*Director, Administrative Office of the U.S. Courts,
Supreme Court Building, Washington, D.C.*

DEAR MR. OLNEY: Section 115(a)(1), title 28, United States Code, provides that U.S. District Court for the Eastern Division of the Northern District of Ohio shall be held at Cleveland, Youngstown, and Akron. However, there are no Government facilities in Akron for carrying out this provision of the statutes.

I am in receipt of a letter from Mr. William T. Walker, president of the Akron Bar Association, stating that efforts are being made to provide such facilities in Akron in order that sessions of the U.S. district court may be held there, and requesting that this matter be considered by the Judicial Council of the Sixth Circuit and that the views of the council be communicated to the Administrative Office of the U.S. Courts. A statement of the Akron Bar Association in support of this move accompanied his letter.

I am also in receipt of a letter from Chief Judge James C. Connell, of the U.S. District Court for the Northern District of Ohio advising that the judges of the court for the Northern District of Ohio are all in favor of having courtroom facilities in the new Federal building in Akron when it is constructed.

This matter was considered by the Judicial Council of the Sixth Circuit at its meeting on Wednesday, March 28, 1962, at which all of the members of the council were present with the exception of Judge John D. Martin who is ill. The council, by unanimous action, recommended that suitable facilities for holding a U.S. district court in Akron, Ohio, be provided in the new Federal building in Akron when the building is constructed. Accordingly, I am transmitting this recommendation to you as Director of the Administrative Office.

Sincerely,

SHACKELFORD MILLER, Jr.

EXHIBIT 10

U.S. DISTRICT COURT,
NORTHERN DISTRICT OF OHIO,
Cleveland, Ohio, March 23, 1962.

Chief Judge SHACKELFORD MILLER, JR., and the Judicial Council of the SIXTH CIRCUIT, Cincinnati, Ohio.

DEAR CHIEF JUDGE MILLER AND JUDGES OF THE JUDICIAL COUNCIL OF THE SIXTH CIRCUIT: In the expectation that the city of Akron will be given a new Federal building in the not too distant future, the Bar Association of Akron has requested that the court express itself on the desirability and necessity of having courtroom facilities within such new building. We understand they have also addressed you on the subject and have included a general statement pertaining thereto, which is very convincing in favor of their suggestion.

Please be advised that the judges of our court for the northern district of Ohio are all in favor of our having courtroom facilities in such new Federal building in Akron when same is constructed.

Sincerely,

JAMES C. CONNELL, *Chief Judge.*

Mr. AYRES. The district court, as I said, favors this action, as does the court of appeals, the Ohio State Bar Association, as well as the Akron bar.

There is a great need to alleviate congestion in the Cleveland Federal court. Their backlog at the present time is the highest that it has ever been in the history of the court. With the creation of a sitting of the court in Akron this backlog can be relieved.

As I stated before, Congress recognized this by authorizing additional Federal judges for the district and, as you know, Mr. Chairman, the Public Works Committee called upon GSA to investigate the need and feasibility and that agency confirmed the need.

Now, on the white sheet that you have in front of you is the report of building project surveys under the Public Buildings Act of 1959, Akron, Ohio. Pursuant to the resolution of April 7, 1962, adopted by the Committee on Public Works of the Senate, the General Services Administration, in cooperation with other interested Federal agencies, made a building project survey of the space required at Akron, Ohio. These were their findings:

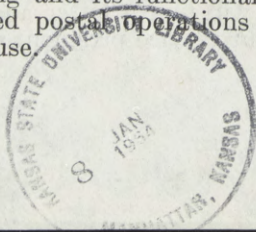
Federal activity with 620 employees are located in three Government-owned facilities; the U.S. Post Office housing the Post Office Department and two other agencies, and two armories housing Army, Navy, and Marine Reserve activities.

In addition, 18 other Federal agencies with approximately 530 employees occupy about 165,000 square feet of leased space in scattered locations throughout the city.

The U.S. Post Office, occupied in 1929, is a one story and mezzanine limestone structure providing 44,895 net square feet of assignable space. The Post Office Department occupies the entire building with the exception of 720 square feet utilized by other governmental activities.

The movement of business activities to the western part of the central business district, away from the area in which the existing building is located, has resulted in the gradual deterioration in the character of the neighborhood.

Despite its apparent structural soundness and generally fair physical condition, the characteristics of the building and its functional deficiencies impair its usefulness for expanded postal operations and make it entirely unsuited for other Federal use.



The Post Office Department has determined that the building is inadequate and functionally outmoded and will not meet present and future facility requirements.

This conclusion has been reached considering (1) the continuing growth of the Akron metropolitan area, (2) the increasing volume of mail handled as evidenced by the 100-percent increase in postal receipts in the past 10 years, (3) inadaptability of the building for the installation of modern mail handling facilities together with increased mechanization, and (4) an extension to the building and expansion of the maneuvering area to meet Post Office Department foreseeable requirements would not be economically sound.

Although Akron was designated by Congress in 1954 as a statutory place for the holding of sessions of the U.S. court, facilities for such purpose are not available in the city. The Administrative Office of the U.S. Courts has requested provision for complete facilities for the holding of sessions of court.

Accordingly, court requirements have been included in our tabulation of current and future needs; however, a waiver of the restrictive provision of section 142, title 28, United States Code by appropriate legislation would be required before court facilities could be provided in a Federal building under existing statutory authority.

Mr. Chairman, that provision has been corrected. Last October the House and Senate approved the revision of the code and authorized that the Federal facilities be used for the court. That also was signed by the President and is now law, so that we are not handicapped by having to waive that provision should this committee in its judgment decide that the facilities are necessary.

You have in front of you also a sheet breaking down the cost and what is involved in the way of an expenditure. That is found on page 5 of this white sheet.

Mr. Chairman, rather than read all of these figures, since the members of the committee and yourself do have them before you, I would ask unanimous consent that all of the figures included in the statement of the findings of the Administrator of General Services be incorporated in the record.

Mr. JONES. The prospectus that you have just referred to is a document pending before the committee, so it won't be necessary for us to include it in the record except by reference, since it is a document that is in the hands of the committee.

Mr. AYRES. Thank you, Mr. Chairman.

Mr. JONES. Those parts that you have referred to and have discussed will be made a part of the record.

Mr. AYRES. Thank you, Mr. Chairman.

Mr. JONES. You might identify the reference numbers as project numbers (a) 33913 and (b) 33912. The document bears the date of August 10, 1962. It was approved and signed by Bernard L. Boutin, Administrator of General Services Administration.

Mr. AYRES. Thank you, Mr. Chairman.

Now, Mr. Chairman and members of the committee, if you will turn to the gray folder which is captioned "March 1962 Survey Federal Office Building," and then turn to the last two pages of that folder you will find a letter addressed to Mr. George Brittain, who is the executive vice president of the chamber of commerce, and signed by

Mr. Sanders for Mr. Chapman, acting assistant commissioner for space management. The letter states the following to Mr. Brittain:

This is in response to your letter of January 19, 1962, to our Chicago regional office requesting information about the Federal office space situation at Akron, Ohio, and relates to the survey you are conducting to develop data that can be used to establish need for a new Federal office building in the Akron area.

The Federal agencies in Akron which are listed herewith, occupy about 28,100 square feet of general-purpose leased space for which the annual rental approximates \$96,000. The space, in general, is adequate and considered standard rather than choice.

Again, Mr. Chairman, rather than read all of the figures that are listed here, I would ask unanimous consent that they be inserted in the record.

Mr. JONES. Without objection, they will be received and made a part of the record at this point.

(The material referred to follows:)

<i>Agency</i>	<i>Square Feet</i>
U.S. Courts: Probation Office and referee in bankruptcy-----	1, 600
Civil Service Commission, investigation-----	200
Defense Department, procurement and recruiting activities-----	5, 000
Home and Housing Agency, FHA-----	400
Health, Education, and Welfare, OASI-----	4, 300
Justice, naturalization and FBI-----	700
Labor: Federal Mediation and Conciliation Service apprentice training--	1, 600
Selective Service System-----	2, 700
Treasury: IRS, Customs, and ATTU-----	10, 400
Veterans: Contact Office-----	1, 200
Total-----	28, 100

Mr. AYRES. Then, I will call your attention again to one of the paragraphs on page 2 of this statement.

As you may be aware, the Administrator of General Services, in accordance with the Public Buildings Act of 1959, presents proposals to the Public Works Committees of the Congress for the construction of new public buildings and alterations to existing buildings.

In connection with the Administrator's responsibilities under the act, General Services Administration has made a survey of the Federal space situation in Akron and Federal space needs have been identified and given appropriate consideration.

The Public Buildings Act of 1959 requires the General Services Administration to provide for sustained programing of construction to insure equitable distribution of public buildings with due regard for the comparative urgency of the need.

At this time there are a number of identified and urgently needed public building projects currently pending before the Public Works Committees of the Congress as well as a number of projects which have been authorized in the Public Works Committees but have not been funded.

Our study of Federal space needs in Akron indicates that until projects of comparatively greater urgency in terms of Federal requirements have been considered by the committees, we would not be warranted in proceeding with the development of plans for the construction of a Federal building in that city.

We appreciate your interest in the Federal agencies in Akron as well as your offer to be of service to this office. Sincerely yours (W. H. Sanders) signed. John W. Chapman, Jr., Acting Assistant Commissioner for Space Management.

Gentlemen, you will note that this was in response to a letter of January 19, 1962, and it was after that that the Senate approved the resolution which called for the survey of the request for the post office and Federal buildings.

That was adopted in the Senate April 7, 1962.

Mr. HARVEY. May I interrupt the witness?

Mr. JONES. Yes.

Mr. HARVEY. What is the date of that letter that you just read?

Mr. AYRES. There is no date on it. It just says, "In reply refer to," but it is in response to a letter dated January 19, 1962, so I would assume, Congressman Harvey, that it probably was within a week or 10 days because they are usually pretty prompt in answering these requests; but the point that I wanted to make was that the last statements in the letter from Mr. Sanders were made prior to the passage of the Senate resolution, which was on April 7, 1962, at the request of our two Senators, Senator Frank J. Lausche, of Ohio, and Senator Stephen M. Young, of Ohio. Then it was after that that the survey was made which I referred to in my opening remarks, so now from all indications of the situation in Akron, in view of the long-pending, since 1954, authorization for the sitting of the court and the administration by the conductors of the survey that the post office facilities are not only not suitable for expansion, but they are not suitable for other Federal facilities, it would appear to me, and frankly I might be somewhat prejudiced, that our need is warranted and that the facts support the authorization of the starting of these projects not only for Akron, but the 11 counties that the court would serve and the citizens of the surrounding area, because Akron has been designated as a postal center.

On that, Mr. Chairman, I think I have presented all of the pertinent facts that the committee should be interested in and I know you probably have some questions.

Mr. JONES. Mr. Kluczynski?

Mr. KLUCZYNSKI. Mr. Ayres, did I understand correctly, that the Senate had acted on these two projects or similar projects?

Mr. AYRES. Mr. Chairman, with your permission I would ask unanimous consent that the committee resolution passed by the Public Works Committee in the Senate be inserted in the record at this point.

Mr. JONES. That is a matter of public record and a matter of business before the committee. It will be made part of the record by reference.

Mr. HARVEY. Will the gentlemen yield? I would like to straighten that out.

Mr. JONES. Mr. Brennan, will you get the Senate resolution on this prospectus?

Mr. KLUCZYNSKI. I understand that they approved it last session. Is that right?

Mr. AYRES. That was approved, on April 7, 1962.

Mr. KLUCZYNSKI. All right. No other questions.

Mr. JONES. The Senate resolution was passed on August 22, 1962. A copy of the resolution was signed by Dennis Chavez, chairman of the Public Works Committee.

(The resolution follows:)

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works of the U.S. Senate, That pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the building project survey for (A) a courthouse and Federal office building and (B) a post office facility, at Akron, Ohio, a description of which is attached hereto and by this reference made a part hereof, is hereby approved.

DENNIS CHAVEZ, *Chairman.*

Adopted: August 22, 1962.

Mr. AYRES. A similar resolution, as you will recall, Mr. Chairman, was introduced in the House.

Mr. JONES. Yes.

Mr. AYRES. So, there is a House resolution, as I understand, pending before your committee now.

Mr. JONES. The procedure of the committee is to adopt the prospectus and not the resolution.

Mr. AYRES. Yes, I realize that, but there is a resolution pending before the committee.

Mr. JONES. Any further questions?

Mr. KLUCZYNSKI. No.

Mr. JONES. My. Ryan?

Mr. RYAN. Yes. Mr. Ayres, I was reading this portion of the prospectus concerning the site area requirements on page 5 which states that in Akron a certain section of the municipal ordinance requires that one parking space be provided for each 400 square feet of net office space and to that extent the amount of square feet here indicates that should be sufficient offstreet parking space for parking 195 vehicles.

It goes on further to say that provision is made in the estimate of cost, however, for a 53-space parking garage and additional surface parking for 100 vehicles based on estimated requirements.

Down below it also says under the subtitle of "Site Area Requirements," the following:

Provision is made in the estimate of cost for surface parking area to accommodate 100 trucks and 280 passenger vehicles for official, patron, and employee parking.

Could not the city ordinance of Akron be changed so there would not have to be the cost of building an inside garage for these cars, in other words, to eliminate some of the costs.

Mr. AYRES. Yes, I think so, Mr. Ryan. However, I am not familiar with what are normal for requirements in this field. I don't know whether this is out of line or whether it is in order, but I am certain that the city of Akron is not asking for anything by ordinance that perhaps wouldn't be similar to other cities of its size.

Of course, the last one you read there says:

Provision is made in the estimate of cost for surface parking area to accommodate 100 trucks and 280 passenger vehicles for official, patron, and employee parking.

You realize that that is under the Post Office provision and not the Federal building.

Mr. RYAN. There wouldn't seem to be a need for two parking lots, surface spaces and indoor spaces. I suppose some of that is needed, but I am not sure what they do in other areas, and I suppose that would be the form to follow.

On the other hand, to have to build an indoor garage seems to be adding to the cost quite a bit if they don't do it in other cases.

Mr. AYRES. Of course, I am aware, as I know you are, Mr. Ryan, that this original survey that they made would not be final and I am quite certain that, if the committee in its judgment should approve and authorize the proper agencies to proceed, they would find complete cooperation of the governing body of the city of Akron to adapt their code to what Federal agencies recommend, as to what would be precedents in other areas.

Mr. RYAN. Thank you.

Mr. JONES. Mr. Harvey?

Mr. HARVEY. Mr. Ayres, I would certainly like to compliment you. I think you have in your statement all matters that are very pertinent and it seems to me that the need is very well established here.

As I understand it, this report of building projects survey was done pursuant to request of the two Senators in your State. Is that correct?

Mr. AYRES. It was requested through the adoption, as Chairman Jones pointed out, of the resolution that was adopted on April 7, 1962.

Mr. Chairman, I believe you had the date of August 22 of 1962. It was after that, Congressman Harvey, that the agencies went out and made their findings and reported back not only to this committee, but to me and to the Senate.

Mr. HARVEY. Thank you. I have no further questions, Mr. Chairman.

Mr. JONES. Mr. Murphy?

Mr. MURPHY. No questions.

Mr. JONES. Mr. Auchincloss?

Mr. AUCHINCLOSS. Mr. Chairman, I merely want to express my appreciation for the clear statement made by the gentleman from Ohio. I have no doubt that what you have told us today will be taken under very careful consideration and I for one would like to go into this matter very carefully in the hope that we might be able to be helpful.

Thank you for coming before us.

Mr. AYRES. Thank you, Mr. Auchincloss.

Mr. JONES. Mr. Blatnik?

Mr. BLATNIK. No questions, Mr. Chairman.

Mr. JONES. Mr. McLoskey?

Mr. MCLOSKEY. No questions.

Mr. CLEVELAND. No questions.

Mr. JONES. Again we thank you very much, Mr. Ayres. I certainly share the views of my associates on the committee in complimenting you on the very fine, and carefully prepared statement you presented to the committee this morning.

Mr. AYRES. Thank you, Mr. Chairman.

Mr. JONES. Our next witness is Mr. Robert T. Daly, Commissioner of the Public Buildings Service, General Services Administration. It is always a pleasure to have you, Mr. Daly. You may proceed.

STATEMENT OF ROBERT T. DALY, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. DALY. Mr. Chairman and members of the committee, with your permission, I would like to clarify the record with respect to the dates. I think there is some mistake here, sir. Pursuant to the resolution of April 7, 1962, adopted by the Committee on Public Works of the Senate, the Administrator of General Services conducted a survey to determine the needs for building in Akron, Ohio.

That survey was conducted during the months of May and June. According to our records, we furnished the report to the Senate on

August 10, 1962, and according to our records the Senate approved it on August 22.

I think that clarifies the time on that, sir. At the present time, the U.S. Post Office is located in a building in Akron that was built around 1929. The post office operations have expanded very, very rapidly.

This old building, while structurally sound, does not lend itself to conversion or to extension. Therefore, according to our survey, we feel that a new building for the post office is certainly indicated.

As Congressman Ayres has stated, there is a need for Federal court facilities in Akron. There is also a need to house other Government agencies who are now in leased space and Government-owned space.

Therefore, in our report to the Senate we indicated that a courthouse and Federal office building having a gross area of 153,800 square feet was needed and that a post office facility for modern mechanical mail handling having a gross area of 177,400 square feet was needed.

Our estimate of cost without fallout shelter for the courthouse and Federal office building is \$6,063,000. Our estimate for the post office facility without fallout shelter is \$5,407,000.

This project has to be considered with all others as to comparative urgency of need. At the present time we have 170 approved projects that have not as yet been funded. Some of these projects will, of course, be funded in our 1964 budget.

The Akron project has not been included in our 1964 budget because in our opinion, in considering this with all others, it did not merit that priority.

However, I hasten to say that we consider this a good project and in the normal course of events, considering other urgent needs, I am sure we would reach this.

Mr. JONES. Mr. Kluczynski?

Mr. KLUCZYNSKI. Mr. Daly, are the figures we have now the same figures we had last year when the Senate approved this?

Mr. DALY. That is correct, sir.

Mr. KLUCZYNSKI. I find that in the construction of post office facilities in Federal buildings, quite often before they are completed they are inadequate because the other Federal space requirements are controlling, but this would take care of all the Federal agencies and also the courthouse; is that right?

Mr. DALY. Yes, sir; at the time that we made our survey we took into consideration, as best we can, the probable expansion of Federal agencies in that area.

Mr. KLUCZYNSKI. Thank you.

Mr. JONES. Mr. Harvey?

Mr. HARVEY. Mr. Daly, of these 170 projects you mentioned, how many of them would come under the accelerated public works program? Were any of them originally included?

Mr. DALY. We have an omnibus approval for small buildings under the Federal works program, but, as you know, we received no money under the ARA.

Mr. HARVEY. Weren't some of these originally designed for the APW program?

Mr. DALY. That is correct.

Mr. HARVEY. About how many of them?

Mr. DALY. I will furnish that for the record.

Mr. JONES. About 40?

Mr. DALY. I think it was, sir. I would like to be accurate. I will furnish it for the record.

Mr. HARVEY. Is the figure 87? Is that correct?

Mr. DALY. That is 87.

Mr. HARVEY. Eighty-seven of them were originally designed for the APW program; is that right?

Mr. DALY. Yes, sir.

Mr. HARVEY. As I gather from your testimony, you said the post office needs here alone make a new building desirable or a new building indicated; is that right?

Mr. DALY. That is correct, sir.

Mr. HARVEY. And I personally have been impressed by looking at the statement of the court here. Have you seen that?

Mr. DALY. No, sir.

Mr. HARVEY. As it was submitted to us this morning?

Mr. DALY. No, sir; I haven't seen the statement submitted this morning.

Mr. HARVEY. You were impressed with the statement of need submitted by the court also?

Mr. DALY. I beg pardon?

Mr. HARVEY. Based upon your survey are you impressed by the statement of the need by the court as well as the post office?

Mr. DALY. That is correct, sir. As I recall it, the courts were authorized to hold court there in 1964. I think they are holding court now in Youngstown and Cleveland. There is a definite need for court space there, sir.

Mr. HARVEY. I have no further questions.

Mr. JONES. Mr. Ryan?

Mr. RYAN. Yes; I would like to ask maybe two questions. In the first place, if this project goes through, what then will happen to the old building? Maybe I should ask you this: Is it owned by the Government now?

Mr. DALY. Yes, sir.

Mr. RYAN. Are there any plans to what it will be converted?

Mr. DALY. As we see it, the building does not lend itself to conversion. If we get these two new buildings we would dispose of the property, as we see it at this time. We would declare it surplus to Government needs.

Mr. RYAN. Another question I would like to ask is relative to parking. In this particular project space will be made for parking of 53 cars. Is that generally done in these buildings? Parking is provided?

Mr. DALY. Yes, sir; in developing the specifications for a Government building we do consider parking. Parking can be either surface parking or underground parking, depending on many circumstances. Ordinarily, in a building of this size we would have to have a basement. Part of a basement would be devoted to parking spaces and if the site permitted it we would have surface parking.

Mr. RYAN. I realize that parking is a vital problem and it is even worse in crowded areas, so that has to be taken into consideration, but more or less rather than concern ourselves with ordinances of the

local area, couldn't the GSA try to work something out with the city that they provide parking facilities at city-owned property?

I am not talking about this case particularly.

Mr. DALY. First let me say this: A city ordinance on parking is not binding on the Federal Government. Nevertheless, we try to cooperate with all local communities and in determining the need for parking spaces in our survey we consider the number of paid parking lots, the number of spaces that might be available at municipal parking lots, and so on, and it is very seldom that we can afford to reach the number of parking spaces that are covered in some city ordinances.

Mr. RYAN. I know parking is a tremendous problem.

Mr. DALY. Yes, sir.

Mr. RYAN. Thank you.

Mr. DALY. It is a tremendous problem here, sir.

Mr. JONES. Mr. Auchincloss?

Mr. AUCHINCLOSS. No questions.

Mr. JONES. Mr. McLoskey?

Mr. McLOSKEY. Mr. Daly, in the early part of your statement, as I recall, you said there was a number of other Government agencies who are presently leasing or renting space in other facilities in Akron?

Mr. DALY. Yes, sir.

Mr. McLOSKEY. Is it your intention, if this new Federal building is completed, that most of those can be brought into the new building?

Mr. DALY. That is correct, sir.

Mr. McLOSKEY. Do you have any idea what the rentals are on these, how many other agencies would be involved?

Mr. DALY. I can furnish the exact rental for the record, but before we make a determination that a new Government building is warranted, we first make an economic study of what comparable leased space would cost us.

Now, when I say comparable leased space, we think of space that would be not substandard. In the case of the post office facility, we figure that comparable leased space would cost us \$2.95 a foot, whereas the proposed new Government building annually would cost us \$1.77 a foot, or a difference of \$1.18. Over a 50-year period, and we figure the life of our building over a 50-year period, we feel according to our study that we would save \$7,950,000 by building a Government-owned building as compared to leasing comparable space for that period of time.

Mr. McLOSKEY. In other words, you are saying that in the long run it is cheaper to have our own facilities than it is to pay out rentals?

Mr. DALY. That is correct, sir; and in each case when we make a report on a proposed Government building, we make this economic analysis.

Mr. McLOSKEY. Thank you.

Mr. JONES. Mr. Murphy?

Mr. MURPHY. No questions.

Mr. BLATNIK. No questions.

Mr. JONES. Mr. Cleveland?

Mr. CLEVELAND. No questions.

Mr. JONES. Thank you very much, Mr. Daly.

Mr. DALY. Thank you, Mr. Chairman.

Mr. JONES. I might say, Mr. Ayres, if you have any other documents or information that you would like to submit to the committee we will keep the record open for several days, if you want to present additional letters or statements.

Mr. AYRES. Thank you, Mr. Chairman.

Mr. JONES. That concludes the business of the subcommittee and it will stand adjourned.

(Whereupon, at 10:56 a.m., the subcommittee was recessed, subject to call.)

