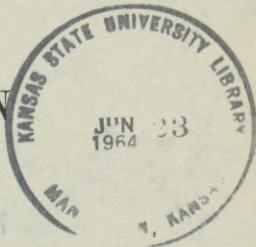


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SMITHSONIAN INSTITUTION

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HEARING
 BEFORE THE
 SUBCOMMITTEE ON
 THE SMITHSONIAN INSTITUTION
 OF THE
 COMMITTEE ON
 RULES AND ADMINISTRATION
 UNITED STATES SENATE
 EIGHTY-EIGHTH CONGRESS
 SECOND SESSION



ON

S. 808

RELATING TO THE APPROPRIATION AUTHORIZATION FOR THE CANAL ZONE BIOLOGICAL AREA

S. 809 and H.R. 9036

RELATING TO POLICING OF THE BUILDINGS AND GROUNDS OF THE SMITHSONIAN INSTITUTION AND ITS CONSTITUENT BUREAUS

S. 1659

RELATING TO THE SALARIES OF THE NATIONAL ZOOLOGICAL PARK POLICE

MAY 6, 1964

Printed for the use of the Committee on Rules and Administration



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WASHINGTON : 1964

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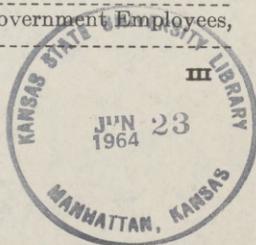
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51. The fiftieth part is devoted to a study of the various objections which have been made.

SMITHSONIAN INSTITUTION

WEDNESDAY, MAY 6, 1964

U.S. SENATE,
SUBCOMMITTEE ON THE SMITHSONIAN INSTITUTION
OF THE COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The committee met, pursuant to notice, at 9:06 a.m., in room 301, Old Senate Office Building, Senator Claiborne Pell, chairman, presiding.

Present: Senator Pell.

Also present: Gordon F. Harrison, staff director; John P. Coder, professional staff member; Paul Goulding, administrative aid to Senator Pell; Livingston Biddle, special assistant to Senator Pell (Smithsonian affairs); and Marian G. Moore, assistant chief clerk.

Senator PELL. Today, as chairman of the Subcommittee on the Smithsonian Institution, I take great pleasure in opening hearings on legislation pertaining to the Institution's functioning and to its growth.

These hearings today are concerned with four bills, two of which are closely related to each other, and we will hold hearings on them in this order:

The first item on our agenda is S. 808, introduced by the distinguished senior Senator from Massachusetts, Senator Leverett Saltonstall, and cosponsored by Senators Clinton P. Anderson and J. W. Fulbright. This bill would amend the act entitled "An act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes," approved July 2, 1940.

The second item is S. 809, also introduced by Senator Saltonstall and cosponsored by Senators Anderson and Fulbright. This bill would amend the act of October 24, 1951, relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus. S. 809 will be considered in conjunction with H.R. 9036, a closely related bill, which was passed by the House of Representatives on December 17, 1963.

The third bill to be considered is S. 1659, introduced by Senator J. Glenn Beall, which would amend the act of October 21, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

We have received a statement from Senator Leverett Saltonstall in support of several bills relating to the Smithsonian Institution pending before the subcommittee, including all but one of those under considera-

tion today. Without objection, Senator Saltonstall's statement will be inserted at this point in the record, together with an earlier statement from him in support of S. 808 and S. 809.

(The statements referred to are as follows:)

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
April 21, 1964.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: In my capacity as a regent of the Smithsonian Institution, I am writing to express the hope that your subcommittee will give prompt and favorable consideration to several bills relating to the Institution.

I understand that H.R. 9036 has passed the House. This bill relates to the police authority for the buildings and grounds of the Smithsonian Institution. It is similar to S. 809 but contains certain technical amendments requested by the National Park Service which make the bill compatible with the responsibility of the National Park Service for policing the Mall area. I am advised that favorable reports on these bills have been cleared by the Bureau of the Budget and sent to your committee. Prompt enactment of this legislation is necessary to allow the Smithsonian to station special policemen in the new Museum of History and Technology Building.

There are several other bills which are of importance to the Smithsonian.

S. 808 would remove the existing limitation of \$10,000 on annual appropriations for the administration by the Smithsonian of the biological research area in the Canal Zone. This limitation has proved inadequate to permit the development of proper research facilities.

S. 2602 would amend existing legislation relating to the National Air Museum to change its name to the National Air and Space Museum, and to authorize construction of a National Air and Space Museum Building.

S. 2617 would authorize the Secretary of the Smithsonian to employ aliens in a scientific or technical capacity. This authority would be used only to fill job requirements where there is no qualified American citizen to fill the position.

S. 2618 would authorize the Smithsonian Institution to use appropriated funds for the purchase of reprints from technical journals and for the payment of page charges for the publication of research papers and reports in such journals.

It is my understanding that the Bureau of the Budget has not yet approved S. 2602 and S. 2617, but it has approved S. 808 and S. 2618.

So far as I know these bills are not contentious and are necessary changes in the existing law. If you have any questions or comments on which I can be of assistance, please let me know.

With kind regards, I am,

Sincerely,

LEVERETT SALTONSTALL,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
July 30, 1963.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In my capacity as a regent of the Smithsonian Institution, I am writing to express the hope that your subcommittee will give favorable consideration to S. 808 and S. 809 in the near future.

An act of July 2, 1940, established a biological research area in the Canal Zone as a Smithsonian Institution activity, and limited annual appropriations for the project to \$10,000. S. 808 would remove the \$10,000 limitation which has proved inadequate to permit the development of proper research facilities. At the time of passage of the enabling legislation, it was assumed that contributions from those interested in research conducted at this tropical biological station, together with the collection of fees for visiting scientists' lodging and meals, and the authorized appropriation of \$10,000 would be sufficient to support the Smithsonian Institution program there. It is now evident that these re-

sources have not provided sufficient funds to meet the research facility needs. S. 808 is designed to correct that situation.

S. 809 would extend the authority of the Smithsonian Institution for policing of buildings and grounds at the Museum of History and Technology Building which is scheduled to be ready for occupancy in the near future. It also would expressly authorize the Institution to provide selected policemen with revolvers and other equipment necessary for the proper performance of their duties. I am told that this perfecting legislation will not require the appropriation of funds in excess of those required for the protection of property under existing laws.

Sincerely,

LEVERETT SALTONSTALL,
U.S. Senator.

Senator PELL. We are doubly fortunate today, both in being able to welcome and having as a witness Dr. S. Dillon Ripley, the new Secretary of the Smithsonian Institution. Dr. Ripley brings to the Smithsonian an illustrious background of knowledge and experience. His intelligent guidance can enrich and strengthen the traditions of the Institution, and at the same time can further expand its goals for the future.

The Smithsonian Institution, established by the Congress in 1846, has long held a position of historic eminence in our country. Its exhibits and research link the past with the present, and its vital and meaningful role can have increasing significance in the years ahead.

Dr. Ripley, we welcome you, and we wish you well.

S. 808

To amend the act entitled "An act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes," approved July 2, 1940

Senator PELL. We will now proceed with the hearing on S. 808. Without objection, the text of the bill will be inserted at this point in the record.

(The text of S. 808 is as follows:)

[S. 808, 88th Cong., 1st sess.]

A BILL To amend the Act entitled "An Act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes", approved July 2, 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes", approved July 2, 1940 (54 Stat. 724, 725), is amended by striking out "not to exceed \$10,000 for expenses necessary in" and inserting in lieu thereof the following: "such sums as are necessary for".

Senator PELL. Dr. Ripley, you may now proceed with your testimony on S. 808.

STATEMENT OF S. DILLON RIPLEY, SECRETARY, SMITHSONIAN INSTITUTION; ACCOMPANIED BY JAMES BRADLEY, ASSISTANT SECRETARY

Dr. RIPLEY. Mr. Chairman, it is a great pleasure to be here and be able to be present at this subcommittee hearing for the first time as Secretary of the Smithsonian, and I look forward to friendly and worthwhile and valuable collaboration with your subcommittee and yourself.

I wish to introduce at this time the Assistant Secretary of the Smithsonian, Mr. James Bradley, who has come here with me this morning, and we are very happy to make statements on these three bills which I would like to offer copies of for the record.

Senator PELL. Thank you. Copies of the bills have already been inserted in the record. I would, however, like the record to show that Senators Hugh Scott and Robert C. Byrd, the other members of the subcommittee, could not be here and have accorded me their proxies.

Dr. RIPLEY. If I may, Mr. Chairman, I will read a brief statement about S. 808 and the position of the Smithsonian on this pending bill.

The purpose of S. 808 would be to amend the enabling legislation of the Canal Zone Biological Area so as to delete the \$10,000 limitation

on annual appropriations contained therein, and would insert in its place the authorization language generally used for the other activities of the Smithsonian Institution.

The Canal Zone Biological Area, which is the subject of this legislation, was authorized by the act of July 2, 1940 (54 Stat. 724); established by Executive Order 8515 of August 13, 1940; and is a bureau of the Smithsonian Institution pursuant to section 801 of Reorganization Plan No. 3, approved July 16, 1946 (60 Stat. 1097). Located on Barro Colorado Island, in Gatun Lake, Canal Zone, it is the only biological research area under the U.S. flag in the Latin American tropics.

It was evidently assumed at the time the Canal Zone Biological Area enabling legislation was approved that contributions from those interested in the research conducted at this tropical station, together with the collection of fees from visiting scientists for lodging and meals and the annual appropriation of an amount not to exceed \$10,000, would be sufficient to support this program. In fact, however, this plan for the support of the area has not been followed for some years, and expenses have been considerably over the amount authorized originally.

In order to make it possible for the Smithsonian Institution to continue effectively to administer the Canal Zone Biological Area, funds in excess of the appropriation restriction found in the act of July 2, 1940, have been budgeted and appropriated.

The Smithsonian Institution recommends that S. 808 be enacted so as to conform this enabling legislation to the legislation authorizing the Smithsonian Institution's other activities. This will then provide authorization for appropriations at an appropriate level for this research program.

Senator PELL. I thank you, Dr. Ripley, and will insert in the record at this point a letter dated August 15, 1963, from your predecessor, Dr. Leonard Carmichael, in which it is indicated that the Bureau of the Budget advises that there is no objection to presentation of this report from the standpoint of the administration's program.

(The letter referred to is as follows:)

SMITHSONIAN INSTITUTION,
Washington, D.C., August 15, 1963.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: This report by the Smithsonian Institution on S. 808, a bill to amend the act entitled "An act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes," approved July 2, 1940, is respectfully submitted for your consideration.

The Canal Zone Biological Area, which is the subject of this legislation, is the only tropical biological area under the flag of the United States and is located on Barro Colorado Island in Gatun Lake, C.Z. The Canal Zone Biological Area is a bureau of the Smithsonian Institution pursuant to Reorganization Plan No. 3, approved July 16, 1946.

S. 808 would amend the legislation which established the Canal Zone Biological Area so as to delete the \$10,000 limitation on annual appropriations and insert the authorization language generally used for the Smithsonian Institution's other activities.

It was evidently assumed at the time the Canal Zone Biological Area enabling legislation was approved that contributions from those interested in the research conducted at this tropical station, together with the collection of fees from visiting scientists for lodging and meals and the appropriation of an amount not to exceed \$10,000 would be sufficient to support this program. In fact, however, this plan for the support of the Canal Zone Biological Area has not been followed for some years.

S. 808 was introduced by Senator Saltonstall, for himself and Senators Anderson and Fulbright, all of whom are Regents of the Smithsonian Institution, at the request of the Board of Regents.

The Smithsonian Institution recommends that favorable consideration be given to S. 808 by the Congress.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

LEONARD CARMICHAEL,
Secretary.

Senator PELL. It would seem to me that there would be little objection to this particular bill. I have one question, and that is: Are there any other biological areas in any other part of the country under the Smithsonian Institution, or is this the only one?

Dr. RIPLEY. This at present is the only one, sir.

Senator PELL. And just as a matter of illumination, why is it that it is in the Canal Zone rather than in the continental United States?

Dr. RIPLEY. Because of the interest in studying tropical fauna and flora, this has been a classic example of development, first through cooperation of independent research organizations, taking advantage of the existence of this island, going back to a period not long after the First World War, and eventually the assumption by the Smithsonian, in a sense of true obligation to scientific societies and associations in this country, of the general administration of the area.

It has a long and distinguished history as an institute on its own with research publications of very considerable merit, indeed, classical importance in the history of ecology particularly, and plant and other biological studies. And it is one of the few places where Americans from the United States can proceed to conduct research, as it were, under our blanket with our support.

Conditions are rough and ready, simple, but have been very highly utilized and have been considered to be very effective.

Senator PELL. In the past, how has it been financed?

Dr. RIPLEY. Initially it was started by funding from a group of universities—Harvard, the American Museum of Natural History, the Smithsonian always, and two or three other societies simply putting in small amounts and, after a while, this was found to be ineffective because of the administration not being centralized and under one body. It was just at the time of World War II that finally the Smithsonian decided, in order to make the island and buildings properly administered and in order to coordinate with the Canal Zone Government, that it had to be administered by one organization.

Senator PELL. And, in the years since World War II, who has financed it?

Dr. RIPLEY. Smithsonian; beginning in 1940.

Senator PELL. Until now the funding has been under the \$10,000 limitation?

Dr. RIPLEY. No. It has been gradually rising every year. The present budget is somewhere in the neighborhood of \$140,000, as I recall.

Senator PELL. And legislation has had to be passed each year to enable it to function?

Dr. RIPLEY. I think that the Assistant Secretary could speak to this better than I can because I am new at this particular history.

Mr. BRADLEY. Mr. Chairman, this is a technical piece of legislation that the Secretary fell heir to. Most of us did not know that this limitation existed because it had been disregarded year after year. In fact, since 1951, appropriations have been made, properly supported every time by a so-called line item that defined the Canal Zone Biological Area, with so much money in the budget year after year. After the money was appropriated, there was no problem in the expenditure but there has been, although no one particularly paid any notice to it, and there is today, a jeopardy in that we find suddenly that we are proceeding with possible irregularity under the rules of the House. So the Appropriations Committee clerk, a diligent fellow, asked us please to make a search and make sure that all of our authorizations were in order.

Senator PELL. This is a House committee clerk?

Mr. BRADLEY. Yes, sir; a House committee clerk, and it was in that way we uncovered the fact that we had a need for amending technical legislation that would in effect authorize a condition that has existed for 13 years.

Senator PELL. And that otherwise might have been subject to a point of order.

Mr. BRADLEY. Yes, sir.

Senator PELL. Thank you. I think it would be appropriate if the Smithsonian Institution could provide later for the record a statement of the appropriations for the past several years in connection with this project.

Mr. BRADLEY. Yes, sir. We will supply that.

(The statement, subsequently received by the subcommittee, is as follows:)

Canal Zone Biological Area—Appropriations and trust fund expenditures, 1950-65

Fiscal year	Canal Zone Biological Area appropriation	Statutory appropriation limitation	Trust fund expenditures	Amount appropriated in addition to statutory limitation
1950.....	\$5,000	\$10,000	\$10,835	-----
1951.....	18,000	10,000	8,721	\$8,000
1952.....	16,647	10,000	10,744	6,647
1953.....	7,000	10,000	10,991	-----
1954.....	7,881	10,000	10,847	-----
1955.....	8,473	10,000	7,920	-----
1956.....	18,790	10,000	9,292	8,790
1957.....	30,274	10,000	7,004	20,274
1958.....	34,785	10,000	4,513	24,785
1959.....	61,768	10,000	11,018	51,768
1960.....	53,000	10,000	21,000	43,000
1961.....	52,000	10,000	20,000	42,000
1962.....	60,000	10,000	14,000	50,000
1963.....	97,000	10,000	10,000	87,000
1964 estimated.....	138,000	10,000	19,000	128,000
1965 estimated.....	148,000	10,000	16,000	138,000

S. 809 and H.R. 9036

To amend the act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus

Senator PELL. We will now proceed to the consideration of S. 809 and a similar bill, H.R. 9036, which I understand has been amended by the House of Representatives to incorporate certain provisions desired and recommended by the Smithsonian Institution. Without objection, the texts of those bills will be inserted at this point in the record.

(The texts of S. 809 and H.R. 9036 are as follows:)

[S. 809, 88th Cong., 1st sess.]

A BILL To amend the Act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), relating to the Smithsonian Institution and its constituent bureaus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and all other areas in the District of Columbia under their control."

SEC. 2. Section 7 of the Act of October 24, 1951, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and they may be furnished, without charge, with uniforms and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition."

SEC. 3. Section 9 of the Act of October 24, 1951, as amended, is amended to read as follows:

"SEC. 9. For the purposes of this Act, 'buildings and grounds' shall mean—

"(1) The Smithsonian Institution and its grounds which shall be construed to include the following:

"(A) the Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art Building, the Air and Space Building, and all other buildings, service roads, including parking and unloading areas, walks, and other areas located within the exterior boundaries of the face of the curb lines of the tract of land in the District of Columbia which is bounded by Ninth Street Southwest on the east, Twelfth Street Southwest on the west, Jefferson Drive Southwest on the north, and Independence Avenue Southwest on the south;

"(B) the Museum of Natural History Building and all other buildings, service roads, including parking and unloading areas, walks, and other areas located within the exterior boundaries of the face of the curb lines of the tract of land in the District of Columbia which is bounded by Ninth Street Northwest on the east, Twelfth Street Northwest on the west, Constitution Avenue Northwest on the north, and Madison Drive Northwest on the south;

"(C) the Museum of History and Technology Building and all other buildings, service roads, including parking and unloading areas, walks, and other areas located within the exterior boundaries of the face of the curb lines of the tract of land in the District of Columbia which is bounded by Twelfth Street Northwest on the east, Fourteenth Street

Northwest on the west, Constitution Avenue Northwest on the north, and Madison Drive Northwest on the south;

"(D) the National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between the said fence and the face of the curb lines of the adjacent streets; and

"(E) all buildings, service roads, walks, and other areas within the exterior boundaries of any land or interest in land (including temporary use) in the District of Columbia which have been or shall hereafter be acquired by the Smithsonian Institution by gift, purchase, exchange of Government-owned land, or otherwise, when determined by the Secretary of the Institution to be necessary for the adequate protection of persons or property therein and suitable for administration as a part of the Smithsonian Institution;

"(2) the National Gallery of Art and its grounds, which shall be held to extend to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest; between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest."

[H.R. 9036, 88th Cong., 1st sess.]

AN ACT To amend the Act of October 24, 1951 (65 Stat. 634; 40 U.S.C. 193(n)-(w)), as amended, relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and all other areas in the District of Columbia under their control."

SEC. 2. Section 7 of the Act of October 24, 1951, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and they may be furnished, without charge, with uniforms and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition."

SEC. 3. Section 9 of the Act of October 24, 1951, as amended, is amended to read as follows:

"Sec. 9. For the purpose of this Act 'buildings and grounds' shall mean—

"(1) The Smithsonian Institution and its grounds which shall be construed to include the following:

"(A) the Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art Building, the Air and Space Building, the Museum of Natural History, the Museum of History and Technology Building, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas;

"(B) the National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between the said fence and the face of the curb lines of the adjacent city streets; and

"(C) all buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) which shall hereafter be acquired by the Smithsonian Institution by gift, purchase, exchange of Government-owned land, or otherwise, when determined by the Secretary of the Institution to be necessary for the adequate protection of persons or property therein and suitable for administration as a part of the Smithsonian Institution.

"(2) The National Gallery of Art and its grounds, which shall be held to extend to the line of the face of the south curb of Constitution Avenue

Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest."

SEC. 4. The Act of October 24, 1951, as amended, is further amended by adding a new section 11 as follows:

"SEC. 11. The special police provided for in section 1 of this Act are authorized to enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and to make arrests for violations of sections 2 to 4, inclusive of this Act, within the several areas located within the exterior boundaries of the face of the curb lines of the squares within which the aforementioned buildings are located."

Passed the House of Representatives December 17, 1963.

Attest:

RALPH R. ROBERTS, *Clerk.*

Senator PELL. Dr. Ripley, we will be pleased to hear from you now on S. 809 and H.R. 9036.

STATEMENT OF S. DILLON RIPLEY, SECRETARY, SMITHSONIAN INSTITUTION; ACCOMPANIED BY JAMES BRADLEY, ASSISTANT SECRETARY

Dr. RIPLEY. Mr. Chairman, if I may speak to this, the primary purpose of S. 809 is to redescribe the buildings and grounds of the Smithsonian Institution for policing purposes to include buildings and grounds acquired since enactment of the Smithsonian Institution special policing statute of October 24, 1951 (65 Stat. 634).

This statute authorized the Secretary of the Smithsonian Institution and the Board of Trustees of the National Gallery of Art to employ special policemen in connection with the policing of their respective buildings and grounds; designated these buildings and grounds for the purposes of the policing statute; specified various unlawful acts in connection with these buildings and grounds; prescribed criminal penalties for commission of these unlawful acts; and authorized the Secretary of the Institution and the trustees of the National Gallery to prescribe administrative rules and regulations for the adequate protection of the specified buildings and grounds.

Certain technical amendments to this legislation are now felt necessary by the Board of Regents primarily because the existing legislation fails to include as part of the Institution's buildings and grounds the new Museum of History and Technology Building, various rented quarters in the city, and areas to come under the Institution's control in the future. In addition, the existing policing authority is ambiguous as to whether the policemen involved can control traffic other than at the zoo and does not expressly authorize these special policemen to be armed. The amendments of the policing statute sought by the Board of Regents are incorporated in this bill or bills introduced by Senator Saltonstall for himself and Senators Anderson and Fulbright.

The National Park Service has suggested certain amendments to S. 809, as originally introduced. Agreement has been reached between the National Park Service and the Smithsonian Institution which is reflected in the language of H.R. 9036, which passed the House of

Representatives on December 17, 1963, and is presently before this subcommittee. It is respectfully requested that the subcommittee amend S. 809 to conform to the language of H.R. 9036. This would result in language changes in section 3 of S. 809 and in adding a new section 4 to this legislation.

Section 3 of S. 809, with the suggested amendment, differs from section 3, as introduced, in that the description of the buildings and grounds of the Smithsonian Institution for purposes of making administrative regulations under the policing statute is limited to the buildings of the Smithsonian Institution on the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas. As introduced, S. 809 would have extended the authority of the Smithsonian Institution for this purpose to the entire squares wherein the several Smithsonian Institution buildings are located.

Section 4 of S. 809 would authorize the special policemen of the Smithsonian Institution and the National Gallery of Art to enforce concurrently with the National Park Service the laws and regulations applicable to the National Capital parks, within the entire squares where the buildings of the Smithsonian Institution are located. These changes are intended solely to avoid creating regulatory authority in the Smithsonian Institution which is not needed in view of the existence of the regulations of the National Park Service.

It is respectfully requested that this subcommittee give favorable consideration to the bill. Enactment of this legislation is necessary in order to authorize the Institution to station special policemen in the Museum of History and Technology Building. Enactment of this legislation will not require the appropriation of funds in excess of those required for the protection of property under existing law.

Senator PELL. Thank you, Dr. Ripley. As I understand it, you prefer the language of H.R. 9036?

Dr. RIPLEY. Yes.

Senator PELL. Without objection, I will insert in the record at this point a letter from you, dated May 1, 1964, containing the points you have made, and stressing the fact that the Bureau of the Budget advises there is no objection to the presentation of this report from the standpoint of the administration's program.

(The letter referred to is as follows:)

SMITHSONIAN INSTITUTION,
Washington, D.C., May 1, 1964.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution,
Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: Thank you for your request of April 22, 1964, for the views of the Smithsonian Institution on H.R. 9036, a bill to amend the act of October 24, 1951 (65 Stat. 634; 40 U.S.C. 193 (n)-(w)), as amended, relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus.

H.R. 9036 would amend the Smithsonian Institution policing statute, approved on October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193 (n)-(w)). This statute authorized the Secretary of the Smithsonian Institution and the Board of Trustees of the National Gallery of Art to employ special policemen

in connection with the policing of their respective buildings and grounds; designated these buildings and grounds for the purposes of the policing statute; specified various unlawful acts in connection with these buildings and grounds; prescribed criminal penalties for commission of these unlawful acts; and authorized the Secretary of the Institution and the Trustees of the National Gallery of Art to prescribe administrative rules and regulations for the adequate protection of the specified buildings and grounds.

Certain technical amendments to this legislation are now felt necessary by the Board of Regents of the Smithsonian Institution, primarily because the existing legislation fails to include as a part of the Institution's buildings and grounds the new Museum of History and Technology Building, the recently acquired former Civil Service Commission Building, rented quarters in the city, and buildings which will come under the Institution's control in the future. In addition, the existing policing authority is ambiguous as to whether the policemen involved can control traffic other than at the National Zoological Park, and does not expressly authorize these special policemen to be armed.

H.R. 9036 would amend the Smithsonian Institution policing statute so as to (1) redescribe the buildings and grounds of the Smithsonian Institution; (2) authorize the policemen involved to enforce concurrently with the National Park Service applicable laws and regulations; (3) clarify the authority of these policemen to control traffic; and (4) expressly authorize these policemen to be armed.

H.R. 9036 differs from S. 809, previously introduced on the same subject, in several particulars. Changes have been made to conform to the wishes of the National Park Service on this legislation. These changes are found in sections 3 and 4 of H.R. 9036.

Under section 3 of H.R. 9036, for purposes of making administrative regulations under the policing statute, the buildings and grounds of the Smithsonian Institution on the Mall are limited to the described buildings, including the entrance walks, unloading areas, and other pertinent service roads and parking areas. The corresponding provision in S. 809 would have extended the authority of the Smithsonian Institution for this purpose to the entire squares on the Mall wherein the several Smithsonian Institution buildings are located.

Under section 4 of H.R. 9036, the special policemen of the Smithsonian Institution are authorized to enforce concurrently with the National Park Service the laws and regulations applicable to the National Capital parks, within the entire squares on the Mall where the several buildings of the Smithsonian Institution are located.

These changes are intended solely to avoid creating regulatory authority in the Smithsonian Institution which is not needed in view of the existence of the regulations of the National Park Service.

The Board of Regents of the Smithsonian Institution favors enactment of H.R. 9036, which was introduced by Representative Cannon, a member of the Board. A similar bill, S. 809, was introduced by Senator Saltonstall for himself and Senators Anderson and Fulbright, who are members of the Board.

It is respectfully requested that your subcommittee give favorable consideration to H.R. 9036. Enactment of this legislation is necessary in order to authorize the Institution to station special policemen in the Museum of History and Technology Building.

Enactment of this legislation will not require the appropriation of funds in excess of those required for the protection of property under existing law.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

S. DILLON RIPLEY, *Secretary.*

Senator PELL. I will also insert in the record at this point a letter from Mr. Walter Tobriner, President of the District Board of Commissioners, stating that the government of the District of Columbia has considered S. 809 and has no objection to it.



(The letter referred to is as follows:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., August 30, 1963.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR JORDAN: The Commissioners of the District of Columbia desire to report on S. 809, 88th Congress, a bill to amend the act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), relating to the Smithsonian Institution and its constituent bureaus.

The Commissioners are informed that the purpose of S. 809 is to amend the act of October 24, 1951, relating to the policing of the Smithsonian Institution and its constituent bureaus, in such manner as to define more explicitly the areas over which the Smithsonian Institution Police Force exercises jurisdiction. The Commissioners understand, however, that the bill does not adversely affect the present authority of the Metropolitan Police with respect to dealing with crimes committed within those areas of the District of Columbia under the jurisdiction of the Smithsonian Institution. In view of this the Commissioners have no objection to the enactment of the bill.

The Commissioners 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.

Very sincerely yours,

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

Senator PELL. To fully clarify the point in the record, would you consider that the passage of this bill would in any way increase the cost to the Federal Government of the present custodial services and guardian services?

Dr. RIPLEY. We do not believe that this would increase the costs; no, sir.

Senator PELL. Before going further, I notice in the House report accompanying H.R. 9036, it states that the cost of this expansion is estimated to be \$456,573. Would you clarify that point?

Dr. RIPLEY. I believe, sir, that this has already been approved by the Budget Bureau. Isn't that right, Mr. Bradley?

Senator PELL. I am referring to the statement regarding costs, the third paragraph on page 2 of House Report 998.

Mr. BRADLEY. I see now. Page 2, costs. Mr. Chairman, the expansion of the special police force as mentioned in the House report from 181 to 287, which would cost \$456,000, in our view is not based on this legislation. First, the amount of 287, the strength of 287, has not eventuated. That is now 251. But the essence of the consideration is this, that with this legislation we have proper authority for these policemen to be around. Without this legislation, we still had almost 1 million people in the first 3 months in that museum to help to find things for and to keep orderly, with valuable objects to protect, but as watchmen, not as special policemen. So today, sir, we are guarding the property, as is proper, with men in uniform who are certainly acting as guards, but in fact we do not have the authority for them to act as a guard. We have authority only for them to act as watchmen and as guides, to keep order, and to help out. So it is for you to decide whether or not this legislation is truly to be considered the basis of an item of some \$300,000 or \$400,000 of added cost.

In our view, in submitting the guard increase through the Bureau of the Budget, and it has gone through the House and is now reported

out by the Senate committee, the justification was not based on this legislation. The justification was simply the need to protect this new museum and the enormous crowds of people that go there and the valuable national treasures that are stored there.

Senator PELL. In other words, if this bill is not passed, you believe that other means must be found to increase the number of policemen up to 287.

Mr. BRADLEY. Yes, sir.

Senator PELL. And the cost to the Federal Government would be the same.

Mr. BRADLEY. Yes, sir; exactly.

Senator PELL. Thank you.

out by the Senate committee, the institution was not based on this legislation. The institution was simply the result of the new museum and the enormous crowd of people that go there and the valuable scientific treasures that are collected there.

Senator Park. In other words if this bill is not passed, you believe that some means must be found to increase the number of collections of the Smithsonian Institution?

Mr. Fairbank. Yes, sir.

Senator Park. And the cost to the Federal Government would be the same?

Mr. Fairbank. Yes, sir, exactly.

Senator Park. That is your

S. 1659

To amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties

Senator PELL. We now come to S. 1659, a bill to amend the act of October 24, 1951, the Smithsonian Institution policing statute, in order to insure that the salaries of the police for the National Zoological Park will equal those of members of the U.S. Park Police having comparable duties. This bill was originally introduced by Senator J. Glenn Beall on June 4, 1963, and on June 12 of that year was referred to this subcommittee. The bill has aroused a certain amount of discussion, and it is for that reason that we are particularly glad that you are here, Dr. Ripley, to be able to make the presentation in behalf of the Smithsonian Institution.

Without objection, the text of the bill will be inserted at this point in the record.

(The text of S. 1659 is as follows:)

[S. 1659, 88th Cong., 1st sess.]

A BILL To amend the Act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the United States Park Police having comparable duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus", approved October 24, 1951 (40 U.S.C. 193w), is amended by striking out paragraphs (1) through (4), inclusive, and inserting in lieu thereof the following:

- "(1) Private—Grade GS-7.
- "(2) Sergeant—Grade GS-8.
- "(3) Lieutenant—Grade GS-9.
- "(4) Captain—Grade GS-10."

SEC. 2. Each member of the police force authorized for the National Zoological Park by the Act entitled "An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus", approved October 24, 1951 (40 U.S.C. 193n et seq.), who immediately prior to the effective date of this section is receiving basic compensation at one of the scheduled rates of a grade of the General Schedule of the Classification Act of 1949, as amended, shall receive a rate of basic compensation on and after such effective date at the scheduled rate for that step of the grade to which his position is assigned by the first section of this Act which corresponds numerically to the step of the grade which he occupied immediately prior to such effective date.

SEC. 3. The first two sections of this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act.

Mr. HARRISON. Mr. Chairman, before Dr. Ripley begins, I would like to say that Senator J. Glenn Beall has called. He wants to present a statement to the committee for the record. The Senator's statement will not be completed until this afternoon, but he would like permission to have it put in the record.

Senator PELL. The record will be left open at this point for that purpose.

(The statement of Senator Beall, subsequently received by the subcommittee, is as follows:)

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
May 13, 1964.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN PELL: I regret that I was unable to be present at the hearing on S. 1659, which I introduced to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall be equal to those of the U.S. Park Police having comparable duties. I am taking this opportunity, therefore, to express my views on this legislation.

There are many instances where Zoo Police have duties comparable to those of Park Police. In these instances, the salaries should also be comparable. I am aware of the objections which have been raised by the Civil Service Commission, the Bureau of the Budget, and the Commissioners of the District of Columbia. These objections, however, fail to take note of the increasing burden placed on our Zoo Police.

The number of people visiting the zoo has increased and, unfortunately, law enforcement and guard responsibilities have become more difficult. It is important that we make it possible to recruit and retain qualified people as policemen for the National Zoological Park. In order to do this, it is necessary that the salaries be comparable to those paid to the Park Police.

During the past few years, I have had reports of incidents at the park which require immediate action by the available policemen on duty. Admittedly, these incidents are reported to the Park Police and the Metropolitan Police who are prepared to answer all calls for assistance. The fact remains that the Zoo Police are on the job and are usually the first to deal with law enforcement problems occurring at the zoo. I understand the additional cost of this legislation would be \$40,000 per year. I believe this expenditure is fully justified and is consistent with the interests of providing necessary services and order for the visiting public. It is my sincere hope that your committee will approve S. 1659.

Sincerely yours,

J. GLENN BEALL.

Mr. HARRISON. Senator Saltonstall has called, and he has letters on the two prior pieces of legislation and one on S. 1659 that he would like to have put in the record.

Senator PELL. They will be put in the record at the appropriate places.

(Senator Saltonstall's letter in support of S. 1659, subsequently received by the subcommittee, is as follows:)

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
May 18, 1964.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution,
Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: In my capacity as a regent of the Smithsonian Institution, I am writing to express the hope that your subcommittee will give favorable consideration to S. 1659, a bill to amend the act of October 24, 1951, in order to insure that the salaries of police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

In considering the bill, the subcommittee may wish to keep the following points in mind.

1. The National Zoological Park Police have duties basically comparable to those of the uniformed policemen in the U.S. Park Service. A meeting of officials of both groups some 6 months ago verified this fact.

2. The National Zoological Park Police force has the same authority within its 170-acre jurisdiction as the Metropolitan and U.S. Park Police forces possess in their respective jurisdictions.

3. Experience requirements for privates in the Zoological Park Police force are higher than those for privates of the Metropolitan and U.S. Park Police forces, and the training period for the former group is being changed to conform with that provided for recruits in the latter two forces.

4. Of the four major police forces of the District of Columbia—the National Zoological Park Police, the U.S. Park Police, the Metropolitan Police, and the U.S. Capitol Police—only the National Zoological Park Police have been treated under the Classification Act.

This is inconsistent and inequitable. Salaries for the National Zoological Park Police should also be established by statute, as is done in the other three instances. Since the Zoological Park Police have essentially the same responsibilities and duties as the U.S. Park Police, they too should be included under the District of Columbia Police and Firemen's Salary Act.

The Smithsonian Institution and its Board of Regents believe that S. 1659 is necessary to correct an injustice and to improve morale of the National Zoological Park Police. I hope that the subcommittee will agree.

Sincerely,

LEVERETT SALTONSTALL, *U.S. Senator.*

STATEMENT OF S. DILLON RIPLEY, SECRETARY, SMITHSONIAN INSTITUTION; ACCOMPANIED BY JAMES BRADLEY, ASSISTANT SECRETARY

Dr. RIPLEY. Mr. Chairman, I would like to speak to this bill, if I may. This bill would amend the Smithsonian Institution policing statute (65 Stat. 634) by granting each member of the police force at the National Zoological Park a salary increase of two grades as follows: Private, from grade GS-5 to GS-7; sergeant, from grade GS-6 to GS-8; lieutenant, from grade GS-7 to GS-9; and captain, from grade GS-8 to GS-10.

It is our recommendation that the salaries of the Zoo Police be made comparable to those of the Park Police. This is based on the belief that the duties and responsibilities of the Zoo Police are comparable to those of the Park Police.

The Board of Regents of the Smithsonian Institution has authorized me to advise the Committee on House Administration in regard to H.R. 5790, a bill introduced by Representative Richard E. Lankford, and identical to Senator J. Glenn Beall's bill, S. 1659, as follows:

The salaries of the Zoo Police should be comparable to those of the Park Police having comparable duties. Future appointments and promotions in the Zoo Police shall be made on the basis of the same requirements and qualifications now in effect in the Park Police force. The Zoo Police should have the same retirement benefits as those now in effect for the Park Police. If the foregoing suggestions are adopted the additional cost would be \$40,000 per annum.

It is recommended that the bill, S. 1659, be amended accordingly and as amended be given favorable consideration by this subcommittee. This would currently change the salary of the captain of the police from \$6,390 to \$8,350; lieutenant from \$5,795 to \$7,450; sergeant from \$5,235 to \$6,990; and private from \$4,690 to \$5,650.

Senator PELL. I would like to ask: What is the reason for separate Zoo Police and Park Police? What is the precise jurisdictional background in this regard?

Dr. RIPLEY. I would like to ask Mr. Bradley to answer that because he may know the history of this.

Mr. BRADLEY. Mr. Chairman, since 1890, when the zoo was founded by the third Secretary, or rather founded by the Congress on the recommendation of the third Secretary, Langley, of the Smithsonian Institution, and prior to the establishment of the Rock Creek Park and Potomac Parkway which lie on either side of the zoo, the zoo has been located in the thread of the valley of Rock Creek as a Smithsonian Park of 165 acres. Since that time, and pursuant to its charter from the Congress, the zoo has remained a bureau of the Smithsonian Institution in common with our other facilities, most of which are on the Mall. As you know, we are a self-contained unit in that we do not come under the operation of the General Services Administration. We conduct our own building operations. The Congress gives us our own authority and, pursuant to that same autonomy, the Smithsonian has never been a part of any executive department. It has always been responsible directly to the Congress, having as it does, and as you know so very well, Senator, Members of the Congress on its Board of Regents. It has its own Zoo Police force because it has had that separate character for the past 74 years.

There have been suggestions that the Park Service police could do the job, but we can see absolutely no advantage to changing the uniforms and breaking the same people in. If we are doing an efficient job, and surely we are trying to, then the same number of Park Police would have to come in, but then we would not have under the Secretary a responsive guard element who would carry out the police functions in a way that would be directly responsive to the Secretary. There would be divided responsibility.

Senator PELL. Does not this mean that there are in fact two over-heads, two central little secretariats and desks to administer two separate rather small police services in the District?

Mr. BRADLEY. I think we can say no for this reason. We do not have the necessary hierarchy that, say, the Metropolitan Police has, or even the Park Service. We have one captain and, in the parlance of the Park Service, he would be known as a lieutenant; and we are going to propose to you in specific detail that he be compared to a lieutenant, not to a captain. We have three lieutenants, one for each shift. They would be comparable to park sergeants, if you please, as far as salary is concerned. We have three sergeants, and they would be detectives, so called, in the Park Service. And then we have 26 privates, and they would be privates in the Park Service. So I think the Park Service would have about the same complement in there as we have.

Senator PELL. And the police service for the Smithsonian considered in the previous bill, that is, for the museums, is not in the same category?

Mr. BRADLEY. No. And those, Mr. Chairman, are building guards and properly so considered and so graded and so classified. These men are policemen, and we feel they should be so classified and so paid. At the zoo we have policemen, and they are separate and have no relation to the building guard force.

Senator PELL. So you basically have two independent forces—to police and to guard?

Mr. BRADLEY. Yes. Of course, the guards are downtown at the Mall handling their share of crowds numbering in the aggregate over 10 million visitors who have been counted in those buildings. The guards number in the aggregate 251 for next year. This year we have about 185. The zoo, which is estimated to have over 3 million annual attendance, has a police force of 33 counting everyone, including officers. That force is to cover the park around the clock. Of course, most of them are on duty in the daytime, but they do patrol at night, and 7 days a week, 365 days a year.

Senator PELL. What is the number again of the guards at the various Smithsonian museums?

Mr. BRADLEY. For fiscal year 1965, 251.

Senator PELL. It would be appropriate at this juncture to insert in the record letters relative to S. 1659 from S. Dillon Ripley, Secretary of the Smithsonian Institution; Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget; John W. Macy, Jr., Chairman of the Civil Service Commission; and Walter N. Tobriner, President of the Board of Commissioners of the District of Columbia. (The letters referred to follow:)

SMITHSONIAN INSTITUTION,
Washington, D.C., April 14, 1964.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on the Smithsonian Institution,
U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: Thank you for your request of June 13, 1963, for the views of the Smithsonian Institution on S. 1659, a bill to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

This bill would amend the Smithsonian Institution policing statute (65 Stat. 634) by granting each member of the police force at the National Zoological Park a salary increase of two grades as follows: Private, from grade GS-5 to GS-7; sergeant, from grade GS-6 to GS-8; lieutenant, from grade GS-7 to GS-9; and captain, from grade GS-8 to GS-10.

It is our recommendation that the salaries of the Zoo Police be made comparable to those of the Park Police. This is based on the belief that the duties and responsibilities of the Zoo Police are comparable to those of the Park Police.

The following table compares the existing zoo salaries, the comparable Park Police salaries, and the salaries proposed in S. 1659.

Existing zoo rank and salary	Comparable Park Police rank and salary	Proposed salary, S. 1659
Captain, \$6,390	Lieutenant, \$8,350	\$7,690
Lieutenant, \$5,795	Sergeant, \$7,450	7,030
Sergeant, \$5,235	Detective, \$6,990	6,390
Private, \$4,690	Private, \$5,650	5,795

The Board of Regents of the Smithsonian Institution has authorized the Secretary to advise the Committee on House Administration in regard to H.R. 5790, a bill introduced by Mr. Richard E. Lankford, and identical to Senator J. Glenn Beall's bill S. 1659, as follows:

The salaries of the Zoo Police should be comparable to those of the Park Police having comparable duties.

Future appointments and promotions in the Zoo Police shall be made on the basis of the same requirements and qualifications now in effect in the Park Police force.

The Zoo Police should have the same retirement benefits as those now in effect for the Park Police.

If the foregoing suggestions are adopted the additional cost would be \$40,000 per annum.

It is recommended that the bill, S. 1659, be amended accordingly and as amended be given favorable consideration by the Congress.

While there is no objection to submission of such a report as we consider appropriate, the Bureau of the Budget requests that our report be accompanied by Bureau of the Budget letter of September 19, 1963.

Sincerely yours,

Dr. S. DILLON RIPLEY, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 19, 1963.

HON. LEONARD CARMICHAEL,
Secretary, Smithsonian Institution,
Washington, D.C.

(Attention of Mr. James C. Bradley, room 228, Smithsonian Building).

DEAR DR. CARMICHAEL: Reference is made to your letters of June 27, 1963, requesting advice with respect to reports favorable to enactment, with amendments, of S. 1659 and H.R. 5790, identical bills to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

The bills would amend the present statutory grades for the four titles; private, sergeant, lieutenant, and captain, listed in the statute by adding two grades in each case.

In the report of the Chairman of the Civil Service Commission opposing enactment of H.R. 5790, copy enclosed, he points out that at present the Smithsonian Institution employees designated as special police of the National Zoological Park are compensated at one grade higher than other positions with comparable duties and responsibilities under the Classification Act and that the proposal would add two more grades, thus, placing these positions three grades above their appropriate level. We are aware of no justification for such preferential salary treatment over that provided other special police covered by the Classification Act.

Nor are we aware of the basis on which a work level comparability can be found between the members of the U.S. Park Police, whose powers and duties are by statute made the same as those vested in the Board of Commissioners of the District of Columbia and administered by the Metropolitan Police, and the group of employees designated as "special police" of the National Zoological Park, whose powers and duties are based on those with respect to buildings and grounds vested by statute in the Secretary of the Smithsonian Institution, and the National Zoological Park regulations issued by the Secretary. We are, therefore, unable to concur in your proposal that the salary rates and retirement benefits for the special police of the National Zoological Park be made the same as those provided the U.S. Park Police which are, in turn, the same as those provided the District of Columbia Metropolitan Police.

The Commissioners of the District of Columbia in reports they are submitting on these bills, copy enclosed, also oppose their enactment for many of the reasons stated above. The Bureau of the Budget concurs in the views expressed by the Civil Service Commission and the District of Columbia government.

Accordingly, in the light of the above, and before advising further with respect to the proposed reports, we believe the Smithsonian Institution will wish an opportunity to reconsider the position taken.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 6, 1964.

HON. S. DILLON RIPLEY II,
Secretary, Smithsonian Institution,
Washington, D.C.

(Attention of Mr. James C. Bradley, room 228, Smithsonian Building).

DEAR MR. RIPLEY. This is in reply to Dr. Carmichael's letter of December 23, 1963, in which he reaffirmed his support for H.R. 5790 and S. 1659, bills to increase the salaries of the police of the National Zoological Park.

The Bureau of the Budget continues to oppose enactment of H.R. 5790 and S. 1659 for the reasons stated in our letter of September 19, 1963. In that letter we concurred with the views expressed in the reports of the Civil Service Commission and the Board of Commissioners of the District of Columbia in opposition to these bills.

Accordingly, while there is no objection to submission of such a report as the Smithsonian Institution considers appropriate, we request that it be accompanied by a copy of our letter of September 19, 1963.

Sincerely yours,

(Signed) PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 20, 1963.

HON. OMAR BURLESON,
Chairman, Committee on House Administration,
House of Representatives, the Capitol.

DEAR MR. CHAIRMAN: This is in further reply to your request of May 2, 1963, for the Commission's views and comments on H.R. 5790, a bill to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

We strongly oppose this bill and urge that it not be given favorable consideration. Its highly preferential provisions are not appropriate for the purpose stated in the title.

National Zoological Park Police and U.S. Park Police are compensated under two entirely separate statutes, each having its own individual salary schedules and provisions for determining the appropriate salary range for positions at various levels.

Police at the National Zoological Park are subject to the Classification Act of 1949, as amended, which covers over 1 million Federal employees, including police at the Washington National Airport, Dalecarlia Reservoir, and various other locations. The job evaluation plan established by this act requires that the grades for positions under its provisions shall be based on the level of difficulty, responsibility, and qualification requirements of the work involved in accordance with standards issued by the Civil Service Commission. Its pay plan includes a range of statutory salary rates for each grade in its general schedule (except GS-18 which has a single rate).

U.S. Park Police are compensated under the District of Columbia Police and Firemen's Salary Act of 1958, as amended, which is the pay-fixing statute for Metropolitan Police and White House Police. In contrast to the job evaluation plan in the Classification Act, this statute identifies positions by title and establishes a corresponding salary range. It does not describe the positions or include any details about the duties, responsibilities, or qualification requirements involved.

For many years, members of the police force at the National Zoological Park have sought to have their positions placed in higher grades under the Classification Act so that their salary ranges would be more nearly comparable to those of Metropolitan Police and Park Police. When this could not be approved through the usual processes of the Classification Act, Public Law 86-379 was enacted in 1959 providing higher grades by statutory action. Although the positions remained subject to the Classification Act, this legislation placed them one grade higher than had been determined appropriate under published classification standards for positions of comparable level under that act.

H.R. 5790 now proposes to raise the grades for this group of police positions two grades above those provided in Public Law 86-379. This will place them three grades higher than is proper under the standards which must be applied in determining the grades for other police positions under the Classification Act. Following is a comparison of the appropriate grades for police positions at the National Zoological Park with their present grades and the grades proposed in H.R. 5790:

Position	Appropriate under Classification Act standards	Present grade prescribed by Public Law 86-379	Grade proposed in H.R. 5790
Private.....	GS-4.....	GS-5.....	GS-7.
Sergeant.....	GS-5.....	GS-6.....	GS-8.
Lieutenant.....	GS-6.....	GS-7.....	GS-9.
Captain.....	GS-7.....	GS-8.....	GS-10.

The Commission can find no justification for further increasing the inequity which Public Law 86-379 has already created among Classification Act employees, particularly those whose positions involve police duties. The legislative action proposed in H.R. 5790 is both contrary to the general policy expressed in the Classification Act and inconsistent with the standards under that act for evaluating police positions. Furthermore, it perpetuates a most undesirable precedent for other groups of employees dissatisfied with the grades in which their positions are placed under the Classification Act. The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

(Signed) JOHN W. MACY, Jr., *Chairman.*

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C.

HON. B. EVERETT JORDAN,
Chairman,
Committee on Rules and Administration,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JORDAN: The Commissioners of the District of Columbia have for report S. 1659, 88th Congress, a bill to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

The purpose of the bill is to increase compensation for members of the police force authorized for the National Zoological Park by the act entitled "An act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus," approved October 24, 1951 (65 Stat. 634; 40 U.S.C., 193n et seq.), as amended by the act approved September 23, 1959 (73 Stat. 703; Public Law 86-379).

The Commissioners oppose enactment of the bill for several reasons.

First, the bill appears to be based on a premise that the duties of the Zoo Police are comparable to the duties of the U.S. Park Police who are compensated in accordance with the District of Columbia Police and Firemen's Salary Act of 1958 (72 Stat. 480), as amended by the act approved October 24, 1962 (76

Stat. 1239; sec. 4-823 et seq., D.C. Code, 1961 ed., Supp. II). Compensation rates of members of the U.S. Park Police are the same as for members of the Metropolitan Police Department. The Commissioners are strongly of the view that the police activities and services regularly required of the U.S. Park Police and the Metropolitan Police forces are of a definitely higher level of responsibility than that required of the Zoo Police.

Moreover, the members of the Zoo Police, in contrast to the members of the Metropolitan and U.S. Park Police forces, are not frequently confronted with crimes of a serious and violent nature or other emergency situations. When a major police problem arises within the National Zoological environs it is generally handled by the Metropolitan or the U.S. Park Police.

By reason of the nature of the area they patrol, the Zoo Police for the most part perform duties similar to those of guards employed to control traffic and enforce compliance with such other regulations applicable to visitors at various national monuments and grounds as, for example, the Lincoln Memorial or the Washington Monument. As one may surmise, the extent of such police duties is limited in comparison to the much wider scope and responsibilities of the police forces covering the Metropolitan and U.S. Park Police jurisdictions.

Further example of the more stringent requirements of the Metropolitan and U.S. Park Police forces as compared to the Zoo Police may be seen by the more intensive training received by the former. The Metropolitan and the U.S. Park Police forces undergo a 3-month training course involving a comprehensive knowledge of statutes and regulations, together with knowledge of fire-arms, first aid, and related matters which is required for such officers to be prepared to meet the greatly varying protection and enforcement needs of the larger community. On the other hand, the Zoo Police are required to undergo a training program covering similar subjects lasting but 2 to 3 weeks.

Of noteworthy interest with regard to any comparison of the zoo police and the Metropolitan and U.S. Park Police forces is a comment made by Mr. Harris Ellsworth, then Chairman of the U.S. Civil Service Commission, in a letter dated January 25, 1959, to Representative Broyhill. The letter was in reply to a communication from Mr. Broyhill regarding position classification standards for police positions and made reference to a comparison of the Zoo, Metropolitan, and U.S. Park Police. Mr. Ellsworth said in part:

"We believe, however, that the positions in any one police force must be evaluated on the basis of the total range of assignments to which the several members may be rotationally assigned on a regular or irregular basis. In most police forces, any patrolman may be assigned at any time to any beat or other post. This is true even though the individual may have more or less 'regular' posts. The mobility of assignments makes individual police positions take on some coloration from the total area for which the force is responsible. On this basis, the positions at the National Zoological Park are not equal to those in the Metropolitan Police force or those in the Park Police force."

The Commissioners agree with the above-quoted statement and they feel nothing has occurred since its expression to warrant any change in this view.

In addition, the Commissioners are concerned by the manner in which the bill circumvents provisions of the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. 1071-1153), as amended. The Zoo Police positions are subject to the Classification Act of 1949.

The first section of the bill amends the act approved October 24, 1951, as amended, by inserting in lieu of paragraphs (1) through (4) the following similarly numbered paragraphs providing higher grades scheduled according to rank (corresponding to those grades in the general schedule of the Classification Act of 1949, as amended):

- "(1) Private, grade GS-7.
- "(2) Sergeant, grade GS-8.
- "(3) Lieutenant, grade GS-9.
- "(4) Captain, grade GS-10."

This provision reflects an increase of two grades for each rank of the Zoo Police over their existing grades. The grade increases are thus to be provided by reason of an extraordinary legislative provision without reference to the position-classification standards of the U.S. Civil Service Commission which are the governing criteria for determining grades for all other types of employees whose positions are subject to the Classification Act of 1949.

Section 2 of the bill also contains an extraordinary provision in comparison with the requirements of the Classification Act of 1949. Such section provides that each member of the Zoo Police shall receive upon the effective date of the

bill a step-for-step increase to that higher grade designated for his particular rank as provided for in the first section of the bill. In this regard, the bill does not conform to the requirements of the Classification Act of 1949, as amended by the Postal Service and Federal Employees Salary Act of 1962 (76 Stat. 832; Public Law 87-793). Section 802(b) of the act, as amended (76 Stat. 848), provides that "Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than two step increases of the grade from which he is promoted or transferred."

Thus the bill would provide the Zoo Police with (1) a two-grade increase in the salary schedule, and (2) a step-for-step placement within grade which is not permitted for other employees under the Classification Act of 1949. The Commissioners believe that the members of the Zoo Police should be given no different treatment from that provided for the more than a million other Federal and District Government employees whose positions are likewise subject to the Classification Act of 1949.

In view of the foregoing considerations, the Commissioners strongly oppose the enactment of S. 1659.

The Commissioners 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.

Very sincerely yours,

WALTER N. TOBRINER,

President, Board of Commissioners, District of Columbia.

Senator PELL. Is there any further statement that the Smithsonian Institution would like to insert in the record at this point?

Mr. BRADLEY. Mr. Chairman, with your permission, I would very much like to leave for inclusion in the record a letter sent from the Smithsonian to the Bureau of the Budget. It is a letter dated December 23, and it represents a serious effort on our part to meet the criticisms that have been leveled at this legislation by the District of Columbia Government, the Civil Service Commission, and the Bureau of the Budget. With your permission, I would like to highlight that letter, but to save time I won't ask to read it all, but will submit it for your consideration for inclusion in the record. May I highlight it?

Senator PELL. Certainly.

Mr. BRADLEY. Because of the criticism of this legislation by the Commissioners and the Civil Service Commission as supported by the Bureau of the Budget, and in response to the invitation of the Bureau of the Budget that we reconsider our position, it is necessary that we discuss in some detail the various parts of our recommendation.

First, the authority for the National Zoological Park Police goes back to the act of August 5, 1882, providing that all watchmen provided for by the U.S. Government for services in any of the public squares and reservations to the District shall have and perform the same duties as the Metropolitan Police in the District. These policemen, since the establishment of the park, have been recognized as having the same authority within our 165 acres as the Metropolitan and the Park Police have in their respective jurisdictions.

In earlier times we were issued Metropolitan Police badges. A very recent opinion expressed an official, impartial opinion on this subject. We were having a discussion of some advisory arbitration in connection with one of our unions, and Prof. Frank Dugan, Georgetown University Law Center, acting as arbitrator, said that "it is they—meaning our police—and they alone who enforce the District of Columbia Code in the zoo and carry out all the other concomitant duties that are

unique to policemen. They are one of the four police forces recognized in the District, and within their own jurisdiction have as much authority as do the Metropolitan Police."

Another point. In meeting with the officials of the U.S. Park Police it was determined that the Zoo Park Police have duties basically comparable to those of the uniformed policemen in the Park Service.

If I may continue, Mr. Chairman, and crystallize what I think are the two points of difference between the Smithsonian and the other agencies, they are these. One, if a park policeman, just outside the fence of the zoo, is doing the same duties, carrying the same responsibilities as is the zoo private within the confines of the zoo, handling the crowds, worrying about the animals as well as the people, then everything else falls in place because we have no superorganization piled on top of them. We have a minimum of officer supervision above. It stands on whether or not the park policeman and the zoo private do the same job. We say they do. And we say that the criticism that they are guards is not correct. We have statistics in this letter that compares the performance of arrests, number of arrests, kind of arrests and offenses, that show that our own building guards do not perform the same police functions as do the police. We have a statistical record here to offer you on that. That, we think, takes care of the contention that these men are not policemen. We have statistics, not opinions, to show that they are not guards; they are policemen.

The second point of difference is that we believe that the Smithsonian police force should be salaried by statute, not by the Classification Act, in the same way that the Metropolitan, the National Parks, and the Capitol Police are salaried, by statute.

Senator PELL. What is the length of the training involved?

Mr. BRADLEY. We have a requirement, sir, that they have prior experience. May I offer a statement here? Experience requirements for the privates at the zoo are higher than those for privates in the Metropolitan and Park Police. No prior formal training in police work is required to become a member of either the Metropolitan or Park Police. To become a member of the Zoo Police, an applicant must have had 1 year of general experience and 2 years of specialized experience, or $2\frac{1}{2}$ years of specialized experience in police work. The experience must have included making arrests, protecting life and property, maintaining law and order, preventing crime, preserving the peace. This experience must have been acquired and demonstrated as a regular member of a Federal, State, county, or other organization.

The Metropolitan and Park Police forces undergo a 3-month training period in contrast to the 3-week training period of the National Zoological Park. Further training plans for the Zoo Park Police, however, are to send our candidates to the Metropolitan Police School for the same period as the Metropolitan and Park Police candidates.

Senator PELL. One other question. When there are serious security problems involved in the zoo, do you ever call on the Metropolitan or Park Police for assistance?

Mr. BRADLEY. Yes; we do, and we are very grateful to them. We do the same as would any precinct, Mr. Chairman, that had a sudden emergency, violence, crowding, or serious or fatal crime, something

of that sort. They certainly call in headquarters where the experts are. We have no business trying to have a complete line of experts. We are happy to have a very good relationship with both the Park Police and the Metropolitan.

Senator PELL. I thank you very much, Mr. Bradley. Anything more?

Mr. BRADLEY. If I may introduce this statement into the record.

Senator PELL. The statement will be printed in toto in the record at this point.

Mr. BRADLEY. Thank you very much.

(The statement referred to is as follows:)

SMITHSONIAN INSTITUTION,
December 23, 1963.

HON. PHILLIP S. HUGHES,

*Assistant Director for Legislative Reference, Bureau of the Budget,
Washington, D.C.*

DEAR MR. HUGHES: Please refer to your letter dated September 19, 1963, regarding reports of the Smithsonian Institution on S. 1659 and H.R. 5790, identical bills to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the U.S. Park Police having comparable duties.

Because of the criticism of the above legislation by the Commissioners of the District of Columbia and the Civil Service Commission, and in response to your suggestion that we reconsider our position, it is necessary that a discussion in some detail be presented on the basis of our recommendation.

The authority for the National Zoological Park Police force stems from section 1 of the act of August 5, 1882, providing that "all watchmen provided for by the U.S. Government for service in any of the public squares and reservations in the District of Columbia shall have and perform the same powers and duties as the Metropolitan Police in the said District"; and the Smithsonian Special Policing Act of October 24, 1951.

These policemen, since the establishment of the National Zoological Park in 1890, have been recognized as having the same authority within their 170-acre jurisdiction as the Metropolitan and Park Police forces in their respective jurisdictions. In earlier times they were issued Metropolitan Police badges. A very recent opinion expressed by an official, impartial expert confirmed this historic fact. On October 14, 1963, Prof. Frank J. Dugan of the Georgetown University Law Center, acting as arbitrator in an advisory arbitration proceeding between Lodge 185, American Federation of Government Employees, and the National Zoological Park said of the National Zoological Park Police in his advisory opinion:

"It is they and they alone who enforce the District of Columbia Code in the zoo and carry out all the other concomitant duties that are unique to policemen. They are one of the four police forces recognized in the District and within their own jurisdiction have as much authority as the Metropolitan Police."

In a meeting held on October 29, 1963, attended by officials of the National Zoological Park and of the U.S. Park Police, it was determined that the National Zoological Park Police have duties basically comparable to those of the uniformed policemen in the Park Service. The position description for privates of the National Zoological Park Police force is fully comparable to that of a private of the U.S. Park Police force.

The duties of the National Zoological Park Police and the U.S. Park Police are comparable in that both are engaged in preserving law and order in the designated areas under their control. Both are faced with the same limitations, as in the case of homicides committed within the District of Columbia. Homicides are investigated by the homicide squad of the Metropolitan Police. Crimes of a serious nature, whether committed in the areas under the jurisdiction of the Park Police or of the Zoological Park Police, are handled jointly by the Metropolitan Police and the other police force having jurisdiction of the area.

The National Zoological Park Police enforce the District of Columbia Code, the applicable Federal statutes, and the Code of Federal Regulations; they issue tickets for traffic violations and swear out warrants in the same manner as do the U.S. Park Police.

Under General Order No. 3-A of January 1, 1963, issued by the Metropolitan Police Department, the procedure for booking arrests made by the National Zoological Park Police is the same as that of the U.S. Park Police. This general order is significant also in recognizing the National Zoological Park Police as one of the four major police forces of the District of Columbia, in association with the U.S. Capitol Police, the U.S. Park Police, and the Metropolitan Police.

Experience requirements for the privates of the Zoological Park Police force are higher than those of privates of the Metropolitan and Park Police forces. No prior formal training in police work is required to become a member of either the Metropolitan or Park Police. To become a member of the Zoological Police, an applicant must have had 1 year of general experience and 2 years of specialized experience or 2½ years of specialized experience in police work. The experience must have included making arrests, protecting life and property, maintaining law and order, preventing crime, and preserving the peace. This experience must have been acquired and demonstrated as a regular member of a Federal, State, county, or municipal police organization responsible for furnishing complete police protection for a community, airport, park, or similar area; or as a detective or investigator with a military, town, city, community, State or Federal police organization.

The Metropolitan and Park Police forces undergo a 3-month training period in contrast to the 3-week training period of the National Zoological Park Police. Future training plans for the Zoological Park Police, however, are to send these candidates to the Metropolitan Police school for the same period as the Metropolitan and Park Police candidates.

We fail to perceive any validity in the remark that there is less "mobility" of assignment for members of the National Zoological Park Police force than is found in the Metropolitan and Park Police forces. While it is evident that the area of jurisdiction of the Zoological Park force is smaller, it is equally evident that the size of the force is commensurately smaller and that individual responsibility for maintaining order is not diminished. It is our opinion that the area of jurisdiction as a limiting factor is further negated by the fact that the zoo police must assume responsibility for the safety of a concentration of large crowds of people in proximity to a large collection of animals.

The report of the Commissioners of the District of Columbia states that the duties of the Zoological Park Police force are similar to those of the guard forces at national monuments and grounds. The compilation below of police activity at the zoo for the last 5 years contrasted with that of the Smithsonian Institution guard force on the Mall refutes this statement.

	Police activities, National Zoological Park	Police activities, Smithsonian Institution guard force
Complaints.....	611	52
Investigations.....	694	43
Criminal arrests.....	210	11
Reprimands:		
Adults.....	180	28
Minors.....	970	9
Juvenile arrests.....	412	1
Truants.....	249	2
Traffic violations:		
Moving.....	1,054	0
Standing.....	4,773	6
Auto accidents.....	93	11
First aid:		
Severe.....	415	8
Minor.....	4,887	216
Lost children.....	1,201	520

Criminal arrests at the National Zoological Park during this period include a variety of offenses: drunkenness, drinking in public, disorderly conduct, petty larceny, grand larceny, indecent exposure, annoying animals, being in the park between sunset and sunrise, robbery, indecent act on a minor, carrying a dangerous weapon, soliciting on Government property, tampering with automobiles, mental observation, and assault with a dangerous weapon. Reports of complaints and arrests are made on a monthly basis to the Federal Bureau of Investigation at the request of the Bureau.

That criminal activity has been no greater is surely attributable in large measure to the effectiveness of the National Zoological Park Police.

The salaries of the National Zoological Park Police are now determined by statute which designates certain grades in the general schedule of the Classification Act of 1949 (see 73 Stat. 702; 40 U.S.C. 193w). The salaries of the U.S. Park Police are fixed by the District of Columbia Police and Firemen's Salary Act of 1958, as amended. It is our conclusion that the National Zoological Park Police should be included under the District of Columbia Police and Firemen's Salary Act because they have substantially the same duties and responsibilities as the U.S. Park Police.

Due to the smaller size of the Zoological Park Police force, an appropriate adjustment may be made in the supervisory level, as follows:

COMPARABLE SUPERVISORY LEVELS

U.S. Park Police:	National Zoological Park Police:
Lieutenant	Captain
Sergeant	Lieutenant
Detective	Sergeant

Such salary legislation is not contrary to the general policy expressed in the Classification Act because the latter is not relevant to the salaries with which we are concerned. The Classification Act is no more properly applicable to the National Zoological Park Police force than it is to the other three principal police forces in the city. The established practice of setting salaries for the various police forces in the District of Columbia by statute should be extended to the National Zoological Park Police as a matter of simple justice and consistency.

It is therefore recommended that our report on H.R. 5790 submitted to the Bureau of the Budget on June 27, 1963, be submitted to the Congress and that this legislation, as amended in conformance with our report, be enacted by the Congress into law.

Sincerely yours,

LEONARD CARMICHAEL, *Secretary.*

Senator PELL. I would like the staff director of the committee to ask any questions he wishes.

Mr. HARRISON. Mr. Bradley, just for clarification, as S. 1659 was introduced, it would give each of the zoo policemen a double raise in grade under the Classification Act. It would also preserve their within-grade structure.

Mr. BRADLEY. Yes, sir.

Mr. HARRISON. Now, as I understand it, the Smithsonian would like, in lieu of S. 1659, to amend the bill so that the zoo private would be equal to the private in the Park Police and the zoo detective be equal to the U.S. Park Police detective, et cetera. Do you have any intention of insisting upon the within-grade promotion?

Mr. BRADLEY. When we get to the details, Mr. Harrison, we would like very much to submit to you the contention that to protect seniority the within-grade should be held level. Otherwise we destroy a longevity advantage that the entire Government recognizes. We would be putting everybody suddenly on a new first step, you see. It would seem to be an equity to preserve the relative positions earned by length of service.

Mr. HARRISON. And if the subcommittee decides to recommend this legislation favorably, we can get from you a suggested amendment to the entire bill to carry out your proposal.

Mr. BRADLEY. Oh, yes.

Mr. HARRISON. Thank you. That is all I have.

Senator PELL. Thank you both very much indeed. Dr. Ripley, is there anything further you would like to add?

Dr. RIPLEY. No.

Senator PELL. You are very kind to come, and I thank you both immensely.

Our next witness is Mr. Raymond Jacobson, of the Civil Service Commission.

STATEMENT OF RAYMOND JACOBSON, CHIEF, STANDARDS DIVISION, BUREAU OF PROGRAMS AND STANDARDS, U.S. CIVIL SERVICE COMMISSION

Mr. JACOBSON. Mr. Chairman, I am very pleased to be here to represent the Civil Service Commission to testify regarding S. 1659.

The Civil Service Commission strongly opposes S. 1659 and urges that it not be given favorable consideration. The National Zoological Park Police and the U.S. Park Police are compensated under two entirely different statutes, each having its own individual salary schedules and provisions for determining appropriate salary raises for positions at various levels.

I think rather than read this statement (which is the one made to the House committee on the identical House bill, H.R. 5790), in view of the passing of time, maybe I would—

Senator PELL. That statement has already been made a part of the record, but do not worry about the time because, if there is no objection, we can proceed a bit longer.

(The statement referred to may be found at p. 23.)

Mr. JACOBSON. The essence of the problem as we see it from the vantage point of the Civil Service Commission is not that we feel that these positions are guards rather than policemen, because we do accept the fact that the National Zoological Police are, in fact, a police force. We have under the Classification Act which covers over 1 million employees in the Federal service many police jobs in addition to many more guard positions, and the problem of equity that we have in the administration of this Classification Act is to insure that jobs with equal duties and responsibilities are classified in the same general schedule grades.

Police jobs in this area, for example, exist at various military installations, at the National Airport, at Dulles Airport—Dalecarlia Reservoir being an example of one of the Army Engineer installations; Andrews Air Force Base being another example of police positions at these bases—and are presently classified in either GS-4 or GS-5, depending upon the extent of the problems with which they are faced and the extent of their responsibilities.

The Zoo Police clearly perform police functions. They do not, in our judgment, however, have the range of problems facing them and the range of responsibilities that are typical of the Metropolitan Police and the Park Police. However, the Metropolitan Police and the Park Police are not under the Classification Act. They are paid under a separate statute.

All that we are saying, then, is that if the Metropolitan Police were under the Classification Act, they would be compensated, in our judgment, at a higher grade level than are either the police jobs in military installations, or at the zoo.

Senator PELL. Excuse me for interrupting, but is it not a fact that one cannot compare MP salaries because military police and shore patrol receive many more fringe benefits as being parts of the military services? So that would not be an even comparison.

Mr. JACOBSON. I should like to make it clear that when I am talking about a police force in a military installation, I am not talking about the military enlisted personnel.

Senator PELL. You are talking about civilian guards.

Mr. JACOBSON. I am talking about civilian police forces. There are civilian police forces at the Dalecarlia Reservoir, for example, where they operate patrol cars and have police responsibilities for that reservoir area. The same is true of many military reservations, where the military police—that is, the enlisted personnel—are either a separate force from the civilian police, or have been eliminated entirely. There are a substantial number of civilian police in the Federal service. Another example of where civilian police are found is in some housing projects under the jurisdiction of the Housing and Home Finance Agency where they are responsible for police protection to a housing project.

I think basically this states the essence of our objection to the bill. If these positions are to be kept under the Classification Act, we feel they should be compensated in accordance with the rules and the standards and the procedures of that act. The Civil Service Commission has issued standards for police positions as distinguished from guard positions. We would be happy to make a copy of these standards available to the committee for its consideration. These standards clearly fix the grade levels under the Classification Act for various kinds of police work and provide a range of grades running all the way from GS-3 to GS-7. The Zoo Police, under those standards, appear to us to be properly classifiable at the GS-4 level.

Senator PELL. Which is the present salary range.

Mr. JACOBSON. Their present salary grade is GS-5 because of an act of Congress, recent act of Congress in 1959, Public Law 86-379.

Senator PELL. From a technical viewpoint, your thought would be that they are presently overcompensated?

Mr. JACOBSON. That is right.

Senator PELL. And that they would be more so, if this bill is passed.

Mr. JACOBSON. This would add two additional grades beyond what is already a one-grade advantage over similar work in other police forces under the Classification Act.

(The Civil Service Commission standards referred to follow :)

APRIL 1959.

POLICE SERIES

This series includes all classes of positions the duties of which are to supervise or perform law enforcement work involved in the protection of life and property. This involves such functions as maintenance of law and order; prevention of crime; detection or investigation of violations of law; preservation of peace; arrest of violators; and the enforcement of Federal, State, county, or municipal statutes, ordinances, laws, or rules, including pertinent traffic, safety, security, and other regulations.

GENERAL NOTE

This series includes both police and detective positions.

These standards include grade-level descriptions for nonsupervisory positions only.

EXCLUSIONS

1. Positions primarily concerned with the patrol of physical facilities to effect proper security control and prevent unauthorized entry to public or restricted areas, and to protect or safeguard the public property (real or tangible) against the hazards of fire, sabotage, theft, damage, accident, etc., are included in the Guard Series, GS-085-0.

Guard positions responsible for patrolling, protecting, or inspecting Federal buildings and property are sometimes also concerned with protecting the occupants and their possessions. However, the *paramount* responsibility of these positions is in connection with property, material, or equipment rather than with respect to persons.

Police maintain order and enforce laws to control the actions of persons in their relationships to one another. Guards enforce rules and regulations to control the actions of persons in their relationship to the particular property being protected. Guards may, incidentally to their main function, be concerned with the protection of persons against undesirable occurrences and the hazards of fire, theft of personal property, etc. They differ from police, however, in that their concern is for a particular group of persons in a situation where the expectancy and opportunity for violations of law are very small. For example, guards in Federal buildings or installations are concerned with protecting employees and their private property through the prevention of violations of rules and regulations within the building or installation. However, the employees are normally persons of good character and repute by reason of pre-employment investigations, and hence are a selected trusted group, subject as well to administrative controls of behavior. While most such buildings or installations are open to the public, visitors who enter are generally aware of the special restrictions on their actions and generally do not enter such places unless they are on legitimate business. Therefore, the opportunity and motive for violations of law are relatively small. In addition, where guards have some responsibilities toward persons, they are usually incidental and are concerned with a limited range of offenses; e.g., disorderly or other unacceptable conduct, petty theft, etc., but not with more serious offenses. Police, on the other hand, are usually concerned, at least potentially, with a much broader range of offenses.

Traffic direction and control at a stationary post is a duty which is performed by both policemen and guards and is therefore not distinctive of either. When a position consists only of traffic work it should be classified in the Police Series, GS-083-0, if the position is part of a police force, and in the Guard Series, GS-085-0, if the position is part of a guard force. In most instances, however, traffic work is but one of a series of assignments through which the employee rotates, and the overall nature of the cycle of assignments will control series in which the position should be classified.

2. Positions concerned with investigative work involving alleged or suspected major Federal criminal offenses, or violations against specialized laws of the United States, are included in the Criminal Investigating Series, GS-1811-0.

Some detective positions covered by this standard which are involved in the investigation of criminal offenses are superficially similar to lower grade criminal investigator positions.

Detective positions are characterized by their location in a police organization, by the fact that the positions are in a definite career ladder within that organization, and by the fact that the investigation is limited, generally to the locale under the jurisdiction of the police organization (except for cooperative agreements with adjacent organizations or when the principle of "hot" pursuit is applicable). Investigator positions are characterized by their location in investigative rather than police organizations, by being in a career ladder leading directly to higher graded investigator positions, and by, frequently, the broader geographic area in which they have jurisdiction.

Further distinctions are that the types of investigations conducted by detectives *do not* involve the same kind of analysis and evaluation of complaints and issues, legal involvements, final action, interpretations of laws and statutes, etc., or require the same specialized knowledges, skills, and abilities (e.g., knowledges of court decisions and laws relating to national security, ability to understand and analyze a variety of records, skill in the development and use of specialized investigative devices and procedures, etc.) as are described in the Grade-Level Guide for Classifying Investigator Positions, GS-1810 and 1811-0.

EXPLANATORY STATEMENT

The primary concern of incumbents of positions in this series is police service and action in protecting the life and property of the individual citizen through the maintenance of law and order. In carrying out this function incumbents are responsible for the protection of life and property against criminal and non-criminal acts, both willful and inadvertent; prevention, investigation, and detection of crime and misconduct including misdemeanors, felonies, and other violations of law; preservation of peace; maintenance of law and order; arrest of violators of the law; and assisting in the prosecution of crime. The protection of public property is a concomitant or incidental additional function.

In order to carry out their responsibilities, incumbents must control people and their environment in such a manner as to obtain compliance with criminal and civil laws, rules, and regulations. Police perform their duties in patrolling communities, airports, and parks; on roads and highways; or in similar facilities and premises under Federal control.

Incumbents are commissioned, deputized, appointed, or otherwise designated by public law, statute, or other official recognized act as agency and/or local law enforcement officers. Included within the scope of police functions and powers are a wide range of authorities and responsibilities to enforce all applicable laws, including police power of arrest. Mistakes in action or error in judgment in making a false arrest could result in serious embarrassment to the agency and in civil suit being filed against the individual policeman involved. Incumbents arrest under a warrant any person accused of having committed any offense against the laws of the United States or against any rule or regulation prescribed under pertinent law; arrest without a warrant any person committing any such offense in the presence of a member of the police force; or arrest without a warrant any person where there is reasonable grounds to believe that he has committed a felony. Power of arrest includes authority to carry firearms or other weapons as may be authorized and to accept or arrange for the deposit of collateral for appearance of offenders in court or before an appropriate United States commissioner. Using this authority, incumbents enforce a wide variety of Federal, State, county, or local laws, ordinances, and regulations.

Police services include four broad areas of activity; namely, Line, Auxiliary, Detective, and Administrative Operations.

Line operations include the following functions: (1) Patrol (motorized, foot, or mounted)—to repress criminal activity, remove or eliminate opportunity for misconduct, regulate conduct, and render various services such as supplying information and assistance to citizens. The purpose of patrolling, which is the most important line function, is to maintain law and order through on-the-spot action of officers moving about within prescribed areas. On-the-spot action is taken as necessary in dealing with incidents such as the disposition of violations by warning, citation, or arrest; the investigation of accidents; the preliminary investigation of crimes; the disposition of miscellaneous complaints; the recovery of stolen property; the arrest of criminals and suspects; etc. Another purpose of patrolling is crime prevention through inspection service to eliminate potential and real hazards or to diminish the effectiveness of crime. This service includes the examination of doors and windows, the inspection of questionable areas and establishments, and the intensive patrol of areas experiencing a high rate of crime or misconduct. The policeman is not expected to handle cases of serious crime without assistance. He is expected to immediately notify his superior of such crimes, to apprehend criminals or suspects still at the scene, and to take necessary steps to detain witnesses and to protect evidence until help arrives. (2) Traffic control—to regulate vehicular and pedestrian traffic; prevent accidents, congestion, and parking problems; and reduce moving traffic violations. (3) Vice control—to eliminate commercialized vice and safeguard the morals of the area or community. (4) Juvenile crime control—to prevent the development of delinquent tendencies in children and to aid in the correction of such tendencies when they do develop.

Auxiliary operations include: (1) Desk or station duties—to accept collateral, record complaints and arrests, prepare lost and found reports, maintain identification and other records, and perform various clerical duties relating to police activities. (2) Communications tasks—to receive, send, and record police information and orders using the telephone, radio, or other communications devices. (3) Laboratory-type duties—to identify or assist in identifying persons or things,

or establish facts relating to physical evidence by identifying footprints, tool marks, or handwriting; lifting fingerprints; photographing scenes, evidence, or persons; etc. (4) Miscellaneous duties—to furnish police escort service, provide custodial care of prisoners, drive ambulance and render first aid, service or maintain police property, and perform related duties.

Detective operations include: Detection (as a continuation of Line Operations)—to detect violations of law, take immediate on-the-scene action, maintain surveillance over areas or sections having an unusually high number of violations, and conduct complete investigations of crimes or other violations or suspected violations of law coming under the jurisdiction of the police or detective force. Investigations are conducted and carried out through a variety of means such as searching the scene for physical evidence and clues, interviewing witnesses and the complainant, following all possible leads to information, analyzing and evaluating all evidence secured, attempting to locate suspects, making arrests, interviewing prisoners to learn about methods of operation, etc. (2) Laboratory-type duties (when performed in addition to the investigation and detection duties)—to identify persons and things through laboratory methods. A variety of different techniques may be used and the assistance of specialists may be obtained. (3) Reporting duties—to prepare a factual report on the cases and assemble evidence for presentation in court.

In most instances of reported serious or major crimes and also in case of violations of specialized laws enforced by a Federal agency, other law enforcement agencies (Federal Bureau of Investigation, Secret Service, Federal Bureau of Narcotics, U.S. Customs Service, Office of Naval Intelligence, etc.) are notified and assume jurisdiction and control of the investigation. These agencies may assign a phase of the investigation to, or set up a joint investigative plan, with the detective force.

Administrative operations include: (1) Supervisory duties—to plan, direct, and control the police activities and organization. (2) Management duties—to perform budget, fiscal, personnel, training, and supply tasks relating to the police force.

The above broad police activities and functions are assigned and performed in a variety of ways. Some positions include both Line and Auxiliary Operations, while, in other instances, these are in separate positions. Also, some positions include several or most of the Line Operations as one assignment, while other positions include only one function such as patrol, crime detection, or traffic control. Administrative duties are most typical in supervisory positions.

CLASS TITLES

The official class titles for positions in this series are:

Policeman.—This title is applied to positions primarily concerned with the police Line, Auxiliary, or nonsupervisory Administrative Operations described in the Explanatory Statement. A policeman normally wears a distinctive uniform and displays a badge or other symbol of authority.

Policewoman.—This title is applied to positions occupied by female incumbents, primarily concerned with functions similar to those described for Policeman.

Detective.—This title is applied to positions primarily concerned with crime detection (sometimes undercover) involving the conduct of complete investigations of violations of criminal or other laws, the recovery of stolen property, and the arrest and conviction of law violators. The detective wears plain clothes to prevent identification by the public. He employs a somewhat different approach in his work, and performs more difficult and responsible duties than uniformed police. His work requires close and skillful questioning and a knowledge of investigative techniques and methods.

Supervisory policeman.—This title is applied to positions primarily concerned with supervising and managing police, or both police and detective, activities. In many police organizations supervisory positions are normally given military-type titles, e.g., Corporal, Sergeant, Captain, Major.

Supervisory detective.—This title is applied to positions primarily concerned with supervising and managing detective operations.

CLASSIFICATION FACTORS

The most significant factors applicable in the classification of nonsupervisory positions in this series are nature and variety of work; nature of supervisory control exercised over the work; purpose and nature of person-to-person work relationships; and nature and scope of decisions and commitments.

Other factors which carry supplemental weight are nature of available guidelines which include police manual, special and general police orders, handbook relating to law enforcement, agency forms and procedures, and county or municipal laws and ordinances; and originality.

Except for the qualifications required, which are listed below, the factors when pertinent are discussed at the grade levels described in these standards.

NOTE.—Positions which include the general duties and responsibilities characteristic of the grade described in these standards, but which do not include the authority or power to make an arrest as a commissioned, deputized, appointed, or otherwise designated (by public law, statute, or other official recognized act) as an agency and/or local law enforcement officer, are classified one grade lower than the grade provided in these standards. Because of the responsibility, judgment, and nature and scope of decisions required in making arrests, arrest authority is considered necessary in all positions to justify the grade levels described herein.

Some few positions may exist which consist largely or entirely of police duties of types not described above. Some of these include organizing and directing police athletic leagues, conducting school safety programs, developing special juvenile crime prevention programs, etc. The grade level discussions in this standard are not directly appropriate for such positions, and other standards may be consulted to evaluate such positions.

QUALIFICATIONS REQUIRED

Qualifications required include as appropriate the following knowledges, skills, and abilities, which are of increasing breadth and intensity at progressively higher grade levels. Aptitude and ability to acquire these knowledges and skills is characteristic of trainee positions at GS-3:

- Knowledge of law enforcement ethics.
- Knowledge of methods, techniques, and general principles of making arrests including legal authority, factors affecting manner of arrest, use of force and firearms, steps in completing arrest, and types of evidence that are necessary and legal.
- Knowledge of investigative techniques and rules of evidence.
- Knowledge of police operations, practices, and techniques.
- Knowledge of functions and organization of the police force.
- Knowledge of police rules, regulations, and general orders including pertinent laws and regulations to be enforced.
- Knowledge of safety rules in carrying firearms.
- Knowledge of court procedure and ability to present testimony.
- Knowledge of first aid.
- Knowledge of self-defense methods.
- As required, a knowledge of office procedures in completing and maintaining reports, records, and files.
- Ability to meet and tactfully deal with people.
- Ability to use firearms including revolver, rifle, and shotgun.
- Ability to analyze circumstances and situations occurring in the protection of life and property.
- As required, ability to prepare clear and comprehensive reports.
- As required, ability to operate an automobile and/or motorcycle.
- In addition, such qualities as courtesy, alertness, tact, discretion, good judgment, and an established reputation for integrity are required.

DEFINITIONS

The following terms used in these standards have the meaning given below:
Preliminary investigation is the immediate investigation of a case up to the point at which postponement of further investigation would not jeopardize its successful completion. The exact limits of a preliminary investigation are difficult to establish because of the variables involved. It generally includes gathering all the important facts and major evidence available at the scene. Also see Complete Investigation.

Complete investigation is the thorough study of all pertinent facts necessary in the detection of violations of law. This includes visiting the scene of the offense and making a careful search, determining methods used or the causes of the commission of the act, securing evidence relating to the case, picking up and following leads, and continuing the investigation until the case is cleared. A complete investigation requires greater skill, knowledge, and freedom of movement than is needed in conducting a preliminary investigation.

A *felony* is a serious crime, punishable by death or by imprisonment (e.g., murder, manslaughter, rape, assault with a deadly weapon, grand larceny, forgery, housebreaking, and bribery).

A *misdemeanor* is a less serious offense, punishable by a small fine or shorter term of imprisonment (i.e., petty larceny, disorderly conduct, or a traffic violation). A misdemeanor is generally a relatively minor violation of law.

Crime is a punishable offense. In this standard this is a broad and general term including both felonies and misdemeanors.

Policeman GS-3

Positions at this level are characterized by the performance of (1) trainee police tasks and progressively more difficult assignments in preparation for higher grade work; or (2) police tasks and duties of limited complexity.

Typical examples of positions at this level include:

1. As a trainee policeman, receives orientation on police orders, rules, and regulations, and training in the general functions, operations, and techniques that are common to police work. Training may include attendance at a police school as well as intensive on-the-job training in general patrol, traffic control, record work, and other responsibilities involved in furnishing protection of life and property and maintaining law and order.

Receives varied assignments to provide experience and training preparatory to undertaking more difficult and responsible line and auxiliary police work.

Works under close and immediate supervision of a higher grade policeman.

2. Serves at a stationary post where he is primarily responsible for enforcing traffic regulations and safety rules. Directs and regulates pedestrian and vehicular traffic to facilitate rapid movement, protect pedestrians from injury, prevent automobile accidents or other property damage, and eliminate traffic congestion and inconveniences. Checks employees, residents, visitors, and vehicles for anything unusual or suspicious, and as required, for proper identification. Arrests individuals committing or suspected of committing an offense or of violating pertinent laws or agency rules and regulations. Issues traffic violation tickets in the immediate vicinity of the post for parking or other traffic violations. Maintains constant vigilance as necessary to recognize, detect, and arrest known law offenders.¹

Performs related duties such as furnishing information and directions to visitors, stopping commercial vehicles, inspecting shipments for stolen or unauthorized materials, maintaining incidental records, and providing other miscellaneous police service.

Works under general supervision of a higher grade policeman who makes general assignments, periodically inspects the post, and is available to solve or advise on nonroutine police matters.

Policeman GS-4

Positions at this level are characterized by the performance of police line work in situations involving primarily a variety of misdemeanors and occasionally more serious offenses such as felonies, requiring the exercise of independent judgment and discretion and application of a variety of police methods and procedures.

Incumbents of these positions operate alone or as a member of a team. They are assigned to patrol an area with few or no residents (e.g., a highway area (bordered by few residential, commercial, industrial, recreational, or equivalent facilities), an airport, a public park, or recreational facility) where the opportunity for commission of a variety of serious offenses is limited; or in an area where residents and employees are selected or screened for good character, reputation, and law-abiding habits, and violations of law are normally of a less serious nature. Policemen are responsible for making instant decisions while investigating complaints, questioning suspects, arresting violators, etc., in con-

¹ See Exclusion No. 1 concerning performance of traffic control duties in a guard force or organization (p. 33, supra).

nection with the protection of life and property and the general maintenance of law and order.

Incumbents work under the general supervision of higher grade policemen who issue assignments, review reports, advise on changes in police orders, and furnish guidance on difficult or controversial cases.

Typical work assignments include:

1. Patrols assigned areas on foot or in a police vehicle. Responds to radio calls, keeps constantly alert for and makes an immediate investigation of all complaints, irregularities, and unusual or suspicious circumstances. Investigates and takes necessary action to resolve incidents or situations found on patrol such as disorderly conduct, gambling, illegal gathering and loitering, petty larceny, drunkenness, prowling, assault, delinquent juveniles, etc. Generally on own initiative takes action required to warn, restrain, detain, or arrest violators or suspects.

Conducts the preliminary investigation of reported crimes, violations, and civil complaints. This includes interviewing and taking names of witnesses and suspects, collecting and preserving evidence, and, if possible, arresting guilty parties. Prepares a detailed report of all pertinent data, information, and material facts developed in the investigation. Appears in court or before a United States commissioner to present evidence, to commit suspects, or to assist in prosecution of cases.

As required, performs various auxiliary police functions described in the Explanatory Statement.

2. Patrols a road or highway in a police radio-equipped vehicle or motorcycle to regulate and control vehicular and pedestrian traffic and assure that rules, regulations, and laws are obeyed. Enforces a variety of traffic laws such as those relating to speed, stop signs, signal lights, reckless or drunken driving, parking, loading or unloading, etc. Arrests violators, issues traffic violation tickets, prepares report of violation, and serves as witness in court. Impounds vehicles that are abandoned, operated by drunken drivers, determined to be unsafe to operate, have dead license, are parked illegally, etc. As necessary, applies for and serves summons.

Arrests and takes drivers involved in drunken driving or other serious violations to a local, city, or county jail pending appearance before a United States commissioner.

Investigates traffic accidents involving pedestrians or vehicles. Tape measures, notes location, and makes diagrams of vehicles and other objects involved; interviews drivers, pedestrians involved, and witnesses; collects evidence; and takes photographs of the scene of the accident. Prepares complete accident report and informs participants of violations involved, court procedure, etc. Renders first aid and makes arrangements for hospitalization of the injured.

As required, performs various auxiliary police functions described in the Explanatory Statement.

3. In some situations performs a combination of duties described in the above two examples either of which may be preponderant.

Policeman GS-5

Positions at this level are under supervisory control similar to that described at the next lower level, and are characterized by duties and responsibilities of the following types:

1. The performance of police line work in situations which provide opportunity for commission of a wide variety of both serious and minor crimes including frequent emergencies and cases which require the services of more than one policeman.

A position of this type involves the application of a full range of police services and functions and requires the performance of a wide variety of the more complex police duties such as those performed in patrolling an area with widely varying opportunities for the commission of a variety of crimes, e.g., communities in which the population is not restricted to residents and employees selected or screened for good character and the area includes residential areas, business establishments, and recreational facilities patronized by the residents and the general public; communities with significant proportions of temporary housing or with substandard economic conditions; or other situations with equivalent law enforcement problems where the work involves specialized police methods, techniques, and procedures and the use of knowledges and judgment which exceed those required at the GS-4 level.

The basic kinds of work in this position are similar to those described at the next lower level, except that, because of the greater variety of violations and crimes involved, the duties are wider in scope and are applied more intensively.

2. The performance of "desk sergeant" duties on a full-time or substantially full-time basis. A position of this type involves the following:

Performs desk duties in a police station or headquarters. Receives and records personal, radio, and telephone messages and instructions involving emergencies, complaints, violations of law, requests for information or assistance, etc., from residents, employees, visitors, and outside law enforcement officers. Decides jurisdiction of complaint or offense and takes appropriate action in cases, except serious crimes such as murder, robbery, and housebreaking which are referred to or discussed with a supervisory policeman in a higher graded position. Transmits messages and instructions to members of the police force.

Interprets or clarifies rules and regulations, answers general inquiries, notifies policemen in the area concerned of the nature of the case, dispatches policemen to investigate complaints, issues pertinent instructions for immediate action on the case (such as the proper procedure to cope with the situation or to suppress illegal activities), or arranges for other police service as may be necessary according to the circumstances. Keeps policemen informed of temporary orders affecting their posts.

Explains to violators directed to appear at or brought into the station their rights with respect to posting and forfeiting collateral, court appearance, making bond, contacting and notifying a relative or friend, securing legal assistance and advice, etc. Collects collateral and issues receipt. Records charges and, as necessary, places offenders under arrest. Searches prisoners placed in confinement and removes weapons and other articles which could cause injury or could be used to effect an escape. Contacts lawyers and court officials regarding cases scheduled to go to court.

Reviews reports prepared by other policemen to determine accuracy and completeness of cases. Notes action taken, obtains additional facts and information from policemen as necessary, and discusses alternate methods in handling a situation more effectively. Assists in the preparation of cases taken to court. Prepares a variety of reports and records such as daily, weekly, and/or monthly police log or activities report; lost and found report; supply and property request; personnel forms and records; etc. Issues Government drivers licenses and performs other auxiliary police functions.

As required, performs police line functions in emergency situations and cases requiring special attention.

Detective GS-6

Positions at this level are characterized by the independent performance of detective work primarily involving minor offenses such as misdemeanors, or cases in which some facts are known and acceptable evidence is generally available on the spot or is readily obtainable by routine procedures. Typically these cases are usually disposed of by administrative disciplinary action by the offender's employer, and, depending on the nature of the offense, by a police or minor court. This involves investigating to their conclusion any such cases, and requires close and skillful questioning to uncover all necessary evidence and facts to dispose of the case.

A typical work assignment includes:

Performs detective work involved in conducting a complete investigation of complaints, leads, and tips which indicate a violation of law or agency rules and regulations such as petty larceny of Government property; gambling, public nuisance, soliciting, loitering, bootlegging, and similar improper activities and offenses.

Seeks out and questions witnesses and suspected offenders. If a preliminary investigation was conducted, reviews and evaluates reports of evidence gathered, develops leads, interviews complainant and suspects, and obtains physical evidence. Questions suspects with the purpose of obtaining further information and, if possible, securing admission of guilt by presentation of evidence gathered and verbal persuasion, and places offenders under arrest.

Prepares a complete investigation report, retains evidence and material secured, makes recommendations, and develops the case for presentation to a prosecuting attorney for prosecution. Appears before a United States commissioner, administrative trial board, or in court as a witness or to present evidence. Notifies, contacts, and cooperates with municipal, county, State, or Federal law enforcement officers interested in or involved in the disposition of cases.

May participate with higher grade employees or other Federal law enforcement officers in investigating other kinds of cases as directed.

Work is performed under the general supervision of a higher grade employee who assigns work, reviews completed reports for adequacy and completeness, and furnishes advice as requested.

Detective GS-7

Positions at this level are characterized by the independent performance of detective work involving a variety of crimes including moderately difficult felonies, or less serious offenses which have become complex or complicated because important evidence is lost or destroyed, clues are vague, witnesses are not available, statements are difficult to obtain, etc. Typical of the nature of offenses and difficulty of detective work at this level are cases which usually require disposition in a court involving jury trial or a high agency trial board.

A typical work assignment includes:

Performs work involved in the prevention and detection of a variety of crimes. Conducts a complete investigation of crimes such as burglary, larceny, sex offenses, indecent exposure, bribery, arson, and similar violations of law; and less serious offenses of the complex nature and difficulty described above.

Analyzes and interprets the information contained in preliminary investigation report, prepares an investigative plan, and searches fingerprint file and police file for criminal records to develop new leads and information on the case. Lifts fingerprints, gathers new evidence and material facts, conducts informal hearings and interrogates suspects and witnesses, takes testimony, attempts to secure admission of guilt, prepares and presents statements to court officers, arrests offenders and suspects, and transports prisoners to jail or to the office of a United States commissioner. Prepares a detailed report of investigation, makes specific recommendations on the case, and assembles exhibits and other material for presentation to a jury or trial board. Testifies in Federal courts and before trial boards.

Maintains surveillance over suspected persons or over areas experiencing or believed likely to experience a high incidence of crime. Searches for, identifies, and recovers stolen property. Notifies and cooperates with other Federal enforcement officers involved in the disposition of cases such as murder, rape, armed robbery, grand larceny, etc. Conducts phases of the investigations independently or participates in joint investigations with other Federal agencies having primary jurisdiction.

Supervisory control over the position is similar to that described at the next lower level.

Senator PELL. Mr. HARRISON has a question.

Mr. HARRISON. Mr. Jacobson, I do not know if you are in a position to answer this, but do you feel that the Zoo Police should be under the Classification Act as they now are?

Mr. JACOBSON. I do not really think I am in a position to answer that.

Mr. HARRISON. Do you feel that the Park Police should be under the Classification Act?

Mr. JACOBSON. Well, I think I can speak to that, that the Civil Service Commission has never felt that either the Park Police or the Metropolitan Police in the District of Columbia should be compensated under the Classification Act. We have never so urged.

Mr. HARRISON. But you cannot say how they feel about the Zoo Police.

Mr. JACOBSON. No. Because this question has not been explored.

Mr. HARRISON. If the Zoo Police and the Park Police were both under the Classification Act, would you make a distinction between them, salarywise?

Mr. JACOBSON. We have not made enough of a study of the Park Police functions. I recognize that there are certain assignments in the Park Police which are identical with certain assignments of the zoo policeman. There is, however, a much larger scope of coverage

by the Park Police, and the typical operation of a police force is to provide for rotational assignments among a wide variety of posts. Therefore, if a particular post is equal to the Zoo Police, that does not necessarily mean that the man serving in that post who is subject to assignment to many other posts in the Park Police force might not over a cycle of time assume a much wider range of responsibilities. So, without a study of the Park Police jobs, I really cannot answer your question, but I must say that it cannot be decided on the basis of a particular post in which a park policeman serves for a portion of his time and which might well be equivalent or even lesser in a particular instance than the responsibilities carried by the Zoo Police.

Mr. HARRISON. Thank you very much.

Senator PELL. There are three representatives of the Zoo Police force here. Mr. Herbert Price, Mr. Herbert Bell, and Mr. Charles Van Tassel. I understand that Mr. Price will speak for the Zoo Police, and I would be grateful, incidentally, if Mr. Jacobson could remain, and then we could have any rebuttal which might develop.

Mr. Price, you may proceed.

STATEMENT OF HERBERT PRICE, NATIONAL ZOOLOGICAL PARK POLICE

Mr. PRICE. I would like to thank the committee for this opportunity to speak to you.

Senator PELL. What is your rank in the Zoo Police?

Mr. PRICE. I am a private, and I am the president of the American Federation of Government Employees, Lodge 185, of the Zoo Police. I would like to point out that the District has just issued these new traffic violation books. We are one of the recognized police forces of the District of Columbia, of which there are four.

In 1959, Chief Murray of the Metropolitan Police ordered that all the cases handled by the Zoo Police be booked in the Zoo Police station, and handled in the same manner as the Park Police does, which would indicate that we would be responsible for all the reports, the processing of the prisoner, with the exception of not having a lockup—we would use the Metropolitan Police precinct for detaining a prisoner. Our responsibility is to appear in the court and to have the records and to further investigate the prisoner to find out his status.

I have read the reports that have been put out by the Civil Service Commission and the District Commissioners, and it is surprising to me—I have been with the Zoo Park Police for 5 years—surprising to me that they can classify us as a guard force when on the whole they are giving us the responsibility and charging us with responsibility of a police force. When I say charging us with the responsibilities, we are required to know the laws of the District of Columbia according to the District of Columbia Code, and of the Park Police U.S. Manual. This is highly irregular for a guard to know, and the requirement for this job is 3 years' police experience. As Secretary Ripley indicated, we have a 3-week training program. This program, however, is just one that we have. In addition to that, we have a 2-week training program, and we are schooled on anything new that is developed under the law procedures. This TVN book here, for

example. We had 5 hours of class just on this TVN book in order that we would understand how the tickets would be handled.

As has been indicated already, how can you classify us from one post with the Park Police as a whole. We have a book out there known as an arrest book, which would indicate, I believe, that with the man-hours that we are able to use in actual police work and not the handling of 4 million visitors, that we do a comparable job to any patrolman on the streets of the District of Columbia.

Senator PELL. What is the ratio of time spent in, as you call it, actual police work as opposed to the direction of traffic?

Mr. PRICE. Well, as you know, Senator, we have 32 policemen there, and we are handling 3 or 4 million visitors a year, and that is a compact place to put 4 million visitors, and our parking facilities out there are disastrous. So consequently we are tied up with traffic and accidents for a great part of the time.

Senator PELL. Wouldn't it be a fair statement to say that the main bulk of your work is the handling of visitors and that the so-called criminal aspects of your work are a rather minute portion? Would you think it was more than 1 percent of your time spent in actual criminal work?

Mr. PRICE. Yes. I would say much more than 1 percent.

Senator PELL. How much more?

Mr. PRICE. Well, I do not have those figures available.

Senator PELL. Perhaps you could make them available to us.

Mr. PRICE. We are requested to make a report to the FBI every year, a summary report of the arrests that are made at the zoo, and last year our report going into the FBI had charges of 1,698 people.

Senator PELL. Would you submit for the record at a later date a breakdown, say, for the past month, of how many hours were used in criminal work and how much in the handling of traffic and direction of visitors?

Mr. PRICE. I could do that, Senator, but I would like to say this. When this would be submitted, I would like the subcommittee to take into consideration that we have only 32 men.

Senator PELL. I understand.

Mr. PRICE. And then relate back to the number of cases indicated in the FBI report of last year.

Senator PELL. I understand. It should be made part of the record to be put in later on.

(Mr. Price subsequently advised the subcommittee that during the past month the Zoo Police were occupied approximately 70 percent of their time with law enforcement and 30 percent with handling of traffic and direction of visitors. He also stated that in the discharge of those responsibilities the Zoo Police were aided considerably by their own experienced mounted police section.)

Senator PELL. As it is now, are not the salaries that you receive more than the equivalent or the equivalent of the general classification of police services in the Federal Government?

Mr. PRICE. Senator, I am not acquainted with the salaries of the other forces. As has been indicated here, such as the airport police, I understand their salaries are on the same level as ours.

Senator PELL. I think these salaries are less than what you receive now. Excuse me for asking Mr. Jacobson. Is that correct?

Mr. JACOBSON. The airport police are presently classified in GS-5, which is the same.

Senator PELL. I thought you told me they were one grade lower.

Mr. JACOBSON. No. I said some of them were. Dalecarlia police, for example, at the Dalecarlia Reservoir operated by the Army Engineers, are in GS-4.

Senator PELL. But they do not have any responsibilities for visitors as they have in the zoo.

Mr. JACOBSON. We feel that the airport police have a better job than the Dalecarlia police, for example. The zoo is in the same grade level as the airport police.

Senator PELL. Actually, I wonder if the Zoo Police do not have perhaps more responsibility in that they have to handle the people going through and also must have a general informational background that would not be the case at the airport. Do you have any other points?

Mr. PRICE. I would like to say when you compare the Zoological Park Police with the airport police that we do not have men assigned to buildings. Our work is done outside in the zoo park, and our responsibilities are to the District of Columbia Code and policing of the park, and the protection of Government property. And we do not detain prisoners for the police department as in the case of those special police forces. We process our own cases as a police department and transport our own prisoners.

Senator PELL. When you have problems that require more manpower than you have, do you generally call the Park Police or Metropolitan Police?

Mr. PRICE. We would more likely call the Metropolitan Police for these reasons: We have two Metropolitan Police precincts bordering us, and they have come down often—their commanding officers and superiors—to confer with us on the situation at the zoo and what the status is. Anytime we need assistance, or likewise with them, we feel free to call upon them. Our relationship is equally fine with the Park Police, however.

Senator PELL. Actually, I recall a personal instance when my wife was stuck in the mud there in a car, and it was specifically the Zoo Police who came to her assistance. Officers Ellerbe and Devlin gave her excellent assistance. You feel that the bill as presently proposed is not fair, and you would like it to go further; is that correct?

Mr. PRICE. Well, Senator, I think that the bill as amended by the Smithsonian does very well by us. Of course, that would be up to the subcommittee as to what suggestions they may feel would be acceptable, but I think we would be well satisfied if this would be settled. And I would like it further understood by the subcommittee that our sole concern is not the money but that we do want to be put in the proper status in respect to the job we actually are doing. We should be recognized for the duties we actually perform. It is insulting to a person doing a job when he is continually slapped in the face with the idea that he may be doing a job, but he is not doing the job that we want him to. I mean, the Civil Service Commission and the District of Columbia Commissioners are saying we are guards and Congress and our superiors say we are policemen. So this is the thing this bill would get straight once and for all, which we would appreciate.

Senator PELL. Mr. Harrison, any questions?

Mr. HARRISON. I have no questions.

Senator PELL. Are there any points that you would like to add, Mr. Jacobson?

Mr. JACOBSON. I think I would just like to leave the record clear on this one question, and that is this identification, the distinction between guard and policeman. The Civil Service Commission has never, repeating myself from before, felt that these positions were properly guard positions. We regard guard positions as those that primarily have primary responsibilities for protecting property. There are many thousands of such guards in Government buildings. These are GS-2 and GS-3 positions. Police positions such as those in the zoo are properly police positions, and we do not want any misconception that we feel that these people are doing a guard job. We recognize they are doing a police job.

Senator PELL. Are there any other individuals in the room who have any further thoughts or who feel they should have been called to express a view on this matter?

In that case, the record will be left open for 2 weeks for the submission of any statements appropriate to these hearings.

(The following statement was subsequently submitted by Mr. Price on behalf of the American Federation of Government Employees, Lodge 185, National Zoological Park Police:)

STATEMENT OF AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LODGE 185,
NATIONAL ZOOLOGICAL PARK POLICE

The American Federation of Government Employees, Lodge 185, National Zoological Park Police, approves and urges the enactment of S. 1659 sponsored by Senator J. Glenn Beall. A similar bill has been introduced in the House of Representatives by Congressman Richard E. Lankford. These bills have been introduced for reasons of uniformity of administration and equity for the employees of the Federal Government who would benefit from their provisions.

These bills provide for the National Zoological Park Police the salaries established by law for other uniformed police and firefighting forces within the District of Columbia.

The bills would amend the act of October 24, 1951, which relates to the policing of the buildings and grounds of the Smithsonian Institution, and in so doing specifies that each member of the police force assigned to the National Zoological Park shall receive the same salary as an officer or member of the U.S. Park Police "having similar or comparable duties."

Earlier law provided that the rates of pay for members of the U.S. Park Police and the White House Police shall be identical with those of the Metropolitan Police. Thus, the bills sponsored by Senator Beall and Congressman Lankford are in effect extending the pay rates of the Park Police to the policeman on duty in the National Zoological Park. This point is important, for it supplies the analogy on which the inescapable logic of this bill is predicated.

The police duties of the National Zoological Park Police are the same as those performed by the U.S. Park Police. The rates of pay should be the same in compliance with the principle of equal pay for equal work.

The National Zoological Park Police have the twofold function of protecting the lives of the large numbers of visitors to that area and also of giving them needed assistance or information. They protect Government property and accomplish their patrols on foot, by automobile, and on horseback. The compelling argument for placing the National Zoological Park Police on an equal footing with the Park Police is that both operate in Federal park areas which are contiguous.

Handling the tremendous volume of traffic which flows through the Zoological Park involves unusual hazard for the police force on duty there. The area is small and congested, and the hazard is further complicated by the custody of animals that are wild and dangerous. The possibility of their escape, particu-

larly at night in an area in which there are no lights, places a heavy responsibility on the policeman stationed there.

The Zoological Park is visited by more than 4 million persons annually. It covers an area of 176 acres with more than 3 miles of roadways, a bridle path, and scattered picnic areas. This area is especially congested on weekends in the summer months and at all times must be policed 7 days a week and 24 hours a day.

The police assigned to this park perform the full range of police duties, and it should be noted that their duties closely parallel those of the U.S. Park Police. The National Zoological Park Police are authorized to make arrests for all violations of law occurring within the park and for charges of felony outside the park. They issue tickets for traffic violations within the park which are handled at the Central Violations Bureau of the Metropolitan Police Department.

Arrests made by the police who patrol the Zoological Park range from petty juvenile cases to robbery of automobiles, holdups, grand larceny, yoke robberies, rapes, and destruction and theft of Government property. The Zoological Park Police work closely with the U.S. Park Police and the Metropolitan Police. They are alerted by these latter forces to be on the lookout for certain suspects and have arrested such persons on many occasions. Their work also includes such other usual police duties as searching for missing persons and the mentally incompetent, as well as for stolen automobiles and bicycles and other lost or stolen property.

In short, these officers must maintain order in the National Zoological Park and courteously direct the movements of persons either riding or on foot who use the park area. This is no small task and at times it is peculiarly hazardous.

They are required at the time of appointment to be citizens between the ages of 22 and 32. They must acquire a knowledge of the laws of the Federal and District of Columbia Governments as well as of regulations governing the park. Further requirements are that they must have received instructions in the use of small arms, first aid techniques, traffic control, and firefighting. They must have an adequate knowledge of report writing and of dealing satisfactorily with all types of persons and situations.

In 1963 a law-enforcement school was started by the Smithsonian Institution for the National Zoological Park Police and all members of this police force were awarded a certificate having satisfactorily completed the prescribed inservice training course in general law enforcement, administered by the National Zoological Park Police with the cooperation of the Metropolitan Police Department and the Federal Bureau of Investigation. Another certificate was awarded all members of this police force for having satisfactorily completed the advanced course of instruction in 38-caliber revolver firing.

The minimum qualifications for National Zoological Park policemen consist of 3 years as an active and regular member of an organized governmental police organization responsible for providing complete police protection to a community, or as an active and regular civilian member of a police force in a military or industrial establishment, or comparable plant or institution, possessing authority to issue summons and make arrests for violation of Federal and State statutes and municipal ordinances.

Experience as an active member of one of the regular branches of the military service engaged in the full-time performance of military police duties is acceptable, but not experience in a guard position or other position the duties of which do not include the authority to make arrests or issue summons and do not require law-enforcement duties.

At present the man who enters the U.S. Park Police as a private receives a salary of \$5,650. Including longevity increments, the range of pay for a private who is not given a special assignment such as station clerk or detective is to \$8,050.

The range of pay for a private on the police force of the National Zoological Park Police is from \$4,690 to \$6,130, the third longevity step rate. The minimum rate of the Zoological Park private is \$960 less than that of the Park Police private, and at the maximum \$1,920 below the top rate for private on the U.S. Park Police.

The cost of revising the present pay scale would be negligible. Currently the force consists of 25 privates, 3 sergeants, 3 lieutenants, and 1 captain.

We strongly urge enactment of S. 1659 as recommended to be amended by our agency, the Smithsonian Institution, in order to correct a gross inequity which has long been detrimental to these valuable employees of the National Zoological Park Police.

Thank you, Mr. Chairman, for receiving this statement of the position of the American Federation of Government Employees, Lodge 185.

HERBERT C. PRICE,

President, AFGE Lodge 185.

CHARLES H. VAN TASSEL,

Secretary, AFGE Lodge 185.

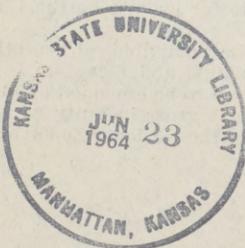
Senator PELL. I would like the record also to take note of the fact that this subcommittee has before it S. 2602, a bill relating to the National Air Museum of the Smithsonian Institution; S. 2617, to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity; and S. 2618, to authorize appropriations to the Smithsonian Institution for the purchase of reprints from technical journals or other periodicals and the payment of page charges for the publication of research papers and reports in such journals.

These bills were all introduced in the last month, and agency reports have not yet been received on them. They will be considered at the next meeting of the subcommittee if the reports are available.

At this point the hearings are adjourned.

(Whereupon, at 10 a.m., the subcommittee recessed, subject to the call of the Chair.)

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