FIREFIGHTING MUSEUM, TAX EXEMPTION, EQUAL RIGHTS FOR BLIND, MEDICAL RECORDS, AND POLICE PERSONNEL RECORDS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC HEALTH, EDUCATION, WELFARE, AND SAFETY

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

S. 3530 (H.R. 2895)

CONVEY D.C. PROPERTY TO FIREFIGHTING MUSEUM

H.R. 456

EXEMPT FROM TAXATION CERTAIN PROPERTY OF RESERVE OFFICERS ASSOCIATION

S. 2646 (H.R. 11032)

EQUAL RIGHTS FOR THE BLIND RELATING TO PUBLIC ACCOMMODATIONS AND TRANSPORTATION

H.R. 9769

MEDICAL RECORDS: PROMOTE AND FACILITATE STUDIES AND RESEARCH

H.R. 11773

EXCLUDE METROPOLITAN POLICE PERSONNEL RECORDS FROM PUBLIC INSPECTION

AUGUST 9, 1972

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FIREFIGHTING MUSEUM, TAX EXEMPTION, EQUAL RIGHTS FOR BLIND, MEDICAL RECORDS, AND POLICE PERSONNEL RECORDS

WEDNESDAY, AUGUST 9, 1972

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC HEALTH,
EDUCATION, WELFARE, AND SAFETY,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m. in room 6226, New Senate Office Building, Senator John V. Tunney (chairman) presiding.

Present: Senators Tunney, Mathias, and Buckley.

Also present: Robert B. Washington, Jr., counsel; Sidney H. Hurlburt, minority staff director; and Clarence V. McKee, Jr., minority counsel.

Senator TUNNEY. The subcommittee will come to order.

The hearing, this morning, by the Subcommittee on Public Health, Education, Welfare, and Safety of the Senate District of Columbia Committee, is on the following bills:

S. 3530 (H.R. 2895): To provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.;

S. 2646 (H.R. 11032): Relating to the transportation and other public accommodations and services involving blind persons accompanied by a dog guide in the District of Columbia;

H.R. 11773: To amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 9769: Concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia; and

H.R. 456: To exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States.

I now place in the record copies of these bills.

(The bills, referred to, follow:)

92D CONGRESS
2D SESSION

S. 3530

IN THE SENATE OF THE UNITED STATES

APRIL 25, 1972

Mr. BEALL introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") shall convey (in accordance with section 2 of this Act) to the National Firefighting Museum and Center for Fire Prevention, Incorporated, a corporation organized under the District of Columbia Nonprofit Corporation Act, all right, title, and interest of the District of Columbia in and to the real property described in section 3 of this Act. For purposes of this Act, the term

"corporation" means the corporation described in this section, and the term "real property" means the real property described in section 3 of this Act.

SEC. 2. (a) The Commissioner shall not make the conveyance provided for in the first section of this Act until the corporation has provided reasonable assurances satisfactory to the Commissioner that—

(1) adequate financial support will be available to the corporation to restore and maintain the real property for the purposes set forth in clause (1) of subsection (b) of this section; and

(2) a sufficient amount of apparatus, equipment, and other artifacts relating to firefighting will be available to provide a suitable display on the real property.

(b) The conveyance provided for in the first section of this Act shall be made without the payment of monetary consideration by the corporation. Such conveyance shall be made subject to the following:

(1) The corporation shall use the real property (A) for the purposes of the corporation stated in its articles of incorporation and bylaws as of February 28, 1969, and (B) for the purpose of maintaining and displaying such apparatus, equipment, or other artifacts relating to firefighting as may be loaned or otherwise transferred to the corporation by the District of Co-

lumbia or the United States or other sources acceptable to the corporation for display on the real property.

(2) If the real property shall ever cease to be used for such purposes, or if the corporation is unable prior to the expiration of the five-year period following the date of the enactment of this Act to obtain adequate financial support to restore such property and equipment for display, all right, title, and interest in and to the real property shall, at the option of the Commissioner, revert to and become the property of the District of Columbia and the District of Columbia shall have the immediate right of entry thereon.

SEC. 3. The real property referred to in the first section of this Act is part of lot 840 in square 1200 and is more particularly described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being 127.50 feet west of the west line of Wisconsin Avenue; and running thence east along the south line of M Street 38.38 feet to the centerline of the west wall of the premises 3208 M Street Northwest;

thence in a southerly direction along the centerline of said wall and a continuation thereof 90.0 feet;

thence in a westerly direction along a line parallel to the south line of M Street 38.88 feet, more or less, to

a point 127.50 feet west of the west line of Wisconsin Avenue;

thence in a northerly direction 90.0 feet to the point of beginning: all as shown on a plat of survey recorded in the Office of the Surveyor of the District of Columbia in survey book 51, page 66.

SEC. 4. (a) Subject to the provisions of subsection (b) of this section, the real property and any personal property owned by the corporation which is located on the real property shall be exempt from taxation by the District of Columbia.

(b) The property described in subsection (a) of this section shall be exempt from taxation by the District of Columbia so long as it is owned by the corporation for the purposes described in section 2 (b) (1) of this Act. The provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, secs. 47–801b, 47–801c, and 47–801e), shall apply with respect to the corporation and the property made exempt from taxation by this section.

SEC. 5. The Act of September 1, 1959 (Public Law 86–216) is repealed.

92D CONGRESS
2D SESSION

H. R. 2895

IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 25), 1972
Read twice and referred to the Committee on the District of Columbia

AN ACT

To provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") shall convey (in accordance with section 2 of this Act) to the National Firefighting Museum and Center for Fire Prevention, Incorporated, a corporation organized under the District of Columbia Nonprofit Corporation Act, all right, title, and interest of the District of Columbia in and to the real property described in section 3 of this Act. For purposes of this

Act, the term "corporation" means the corporation described in this section, and the term "real property" means the real property described in section 3 of this Act.

SEC. 2. (a) The Commissioner shall not make the conveyance provided for in the first section of this Act until the Corporation has provided reasonable assurances satisfactory to the Commissioner that—

(1) adequate financial support will be available to the Corporation to restore and maintain the real property for the purposes set forth in clause (1) of subsection (b) of this section; and

(2) a sufficient amount of apparatus, equipment, and other artifacts relating to firefighting will be available to provide a suitable display on the real property.

(b) The conveyance provided for in the first section of this Act shall be made without the payment of monetary consideration by the Corporation. Such conveyance shall be made subject to the following:

(1) The Corporation shall use the real property (A) for the purposes of the Corporation stated in its articles of incorporation and bylaws as of February 28, 1969, and (B) for the purpose of maintaining and displaying such apparatus, equipment, or other artifacts relating to firefighting as may be loaned or otherwise transferred to the Corporation by the District of Columbia or the United States or other sources

acceptable to the Corporation for display on the real property.

(2) If the real property shall ever cease to be used for such purposes, or if the corporation is unable prior to the expiration of the five year period immediately following the date of enactment of this Act to obtain adequate financial support to restore such property and equipment for display, all right, title, and interest in and to the real property shall, at the option of the Commissioner, revert to and become the property of the District of Columbia and the District of Columbia shall have the immediate right of entry thereon.

SEC. 3. The real property referred to in the first section of this Act is part of Record Lot 47 in Square 1200 and is more particularly described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being 127.50 feet west of the west line of Wisconsin Avenue; and running thence east along the south line of M Street 38.38 feet to the centerline of the west wall of the premises 3208 M Street Northwest;

thence in a southerly direction along the centerline of said wall and a continuation thereof 90.0 feet;

thence in a westerly direction along a line parallel to the south line of M Street 38.88 feet, more or less, to a point 127.50 feet west of the west line of Wisconsin Avenue;

thence in a northerly direction 90.0 feet to the point of beginning: all as shown on a plat of survey recorded in the Office of the Surveyor of the District of Columbia in survey book 51, page 66.

SEC. 4. (a) Subject to the provisions of subsection (b) of this section, the real property and any personal property owned by the corporation which is located on the real property shall be exempt from taxation by the District of Columbia.

(b) The property described in subsection (a) of this section shall be exempt from taxation by the District of Columbia so long as it is owned by the corporation for the purposes described in section 2 (b) (1) of this Act. The provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code secs. 47–801b, 47–801c, and 47–801e), shall apply with

respect to the corporation and the property made exempt from taxation by this section.

SEC. 5. The Act of September 1, 1959 (Public Law 86-216) is repealed.

Passed the House of Representatives April 24, 1972.

Attest: W. PAT JENNINGS,

Clerk.

92D CONGRESS
1ST SESSION

S. 2646

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1971

Mr. HUMPHREY (for himself, Mr. EAGLETON, and Mr. INOUYE) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

Relating to transportation and other public accommodations and services involving blind persons accompanied by a dog guide in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the date of the enactment of this Act, any blind person accompanied by a dog guide specially trained for that purpose shall be entitled, if such dog is properly and safely muzzled, to any and all accommodations, advantages, facilities, and privileges of all public conveyances, public amusements, and all places of public accommodation, within the District of Columbia, to which persons not accompanied by dogs are entitled. No such blind person shall

be required to pay any charge or fare for or on account of the transportation, within the District of Columbia, on any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for such person's transportation.

SEC. 2. Any violation of this Act shall be punishable by a fine of not more than $300.

92D CONGRESS
2D SESSION

H. R. 11032

IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 25), 1972
Read twice and referred to the Committee on the District of Columbia

AN ACT

To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EQUAL ACCESS TO PUBLIC PLACES

SECTION 1. The blind and the otherwise physically disabled have the same right as the able bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places in the District of Columbia.

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EQUAL ACCESS TO PUBLIC ACCOMMODATIONS AND CONVEYANCES

SEC. 2. (a) The blind and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation in the District of Columbia, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited in the District of Columbia, subject only to the conditions and limitations established by law or in accordance with law applicable alike to all persons.

(b) Every blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places, accommodations, or conveyances listed in subsection (a), without being required to pay an extra charge for the guide dog; but any blind person so accompanied shall be liable for any damage done to the premises or facilities by such dog.

SAFETY STANDARDS FOR DRIVERS OF MOTOR VEHICLES

SEC. 3. The driver of a vehicle in the District of Columbia approaching a blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary pre-

cautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. A blind pedestrian in the District of Columbia not carrying such a cane or using a guide dog in any of the places, accommodations, or conveyance listed in sections 1 and 2 shall have all the rights and privileges conferred by law on other persons, and the failure of such a blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

DISCRIMINATION IN EMPLOYMENT

SEC. 4. The blind and the otherwise physically disabled shall be employed by—

(1) every individual, partnership, firm, association, or corporation, or the receiver, trustee, or successor thereof (exclusive of the Government of the United States or any agency thereof), doing business, and employing any individual for the purpose of such business, in the District of Columbia, and

(2) the government of the District of Columbia, the Board of Education of the District of Columbia, the Board of Vocational Education of the District of Columbia, the Board of Higher Education of the District of Columbia, and the Executive Officer of the District of

Columbia courts, and all other employers supported in whole or in part by appropriations for the District of Columbia,

on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved.

EQUAL ACCESS TO HOUSING

SEC. 5. (a) Blind persons and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in the District of Columbia, subject to the conditions and limitations established by law or in accordance with law and applicable alike to all persons.

(b) Every blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations referred to in this section, without being required to pay an extra charge for the guide dog; but such blind person shall be liable for any damage done to the premises by such dog.

(c) Nothing in this section shall require any person renting, leasing, or providing real property for compensation in the District of Columbia to modify his property in any way or to provide a higher degree of care for a blind

person or otherwise physically disabled person than for a person who is not physically disabled.

PENALTY

SEC. 6. Any person or the agent of any person in the District of Columbia who denies or interferes with admittance to or enjoyment of any of the places, accommodations, or conveyances listed in sections 1 and 2 or otherwise interferes with the rights of a blind or otherwise disabled person under sections 1, 2, 4, and 5 shall be imprisoned for not longer than ninety days, or fined not more than $300, or both.

WHITE CANE SAFETY DAY

SEC. 7. Each year, the Commissioner of the District of Columbia shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation commenting upon the significance of the white cane, and calling upon the citizens of the District of Columbia to observe the provisions of this Act, to be aware of the presence of disabled persons in the community, to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement, and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

DEFINITION

SEC. 8. For purposes of this Act—

(1) The term "blind person" means, and the term "blind" refers to, a person who is totally blind, has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or who has loss of vision due wholly or in part to impairment of field vision or to other factors which affect the usefulness of vision to a like degree.

(2) The term "otherwise physically disabled" refers to an individual who has a medically determinable physical impairment (other than blindness) which interferes with his ability to move about, to assist himself, or to engage in an occupation.

Passed the House of Representatives April 24, 1972.

Attest: W. PAT JENNINGS,

Clerk.

92D CONGRESS
2D SESSION

H. R. 11773

IN THE SENATE OF THE UNITED STATES

MARCH 14, 1972

Read twice and referred to the Committee on the District of Columbia

AN ACT

To amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 389 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 4–135), is amended to read as follows: "The records to be kept by paragraphs 1, 2, and 4 of section 386 shall be open to public inspection when not in actual use, and this requirement shall

be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.".

Passed the House of Representatives March 13, 1972.

Attest: W. PAT JENNINGS,

Clerk.

92D CONGRESS
2D SESSION

H. R. 9769

IN THE SENATE OF THE UNITED STATES

MAY 9, 1972

Read twice and referred to the Committee on the District of Columbia

AN ACT

Concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares that the gathering of information and data to promote and facilitate medical studies, research, education, and optimal utilization of medical care facilities in the District of Columbia is a matter of public interest and the use of such studies should be limited in the public interest.

SEC. 2. Chapter 5 of title 14 of the District of Columbia

Code (relating to documentary evidence) is amended by inserting at the end thereof the following new section:

"§ 14–508. Medical records

"(a) As used in this section—

"(1) The term 'secondary medical records' means—

"(A) any record of information or data, gathered to be used, or used, in the District of Columbia, to study morbidity and mortality (including the study of maternal welfare and perinatal morbidity and mortality) by any person employed by or working or associated with—

"(i) any medical society operating in the District of Columbia;

"(ii) any department, agency, or instrumentality of the Federal Government operating in the District of Columbia;

"(iii) any department or agency of the government of the District of Columbia;

"(iv) any inhospital staff (including a tissue review committee) of an accredited hospital, or extended care facility, in the District of Columbia; and

"(v) any medical school committee, or any faculty member, of any medical school engaged in research in the District of Columbia; and

"(B) written reports, notes, records, and other data of any medical staff committee, peer review committee, tissue review committee, or medical utilization committee used for the professional training, supervision, or discipline of persons engaged in the practice of medicine in the District of Columbia.

"(2) The term 'primary medical record' means the record of continuing care kept by a physician, hospital, or extended care facility regarding a patient which reflects the diagnostic and therapeutic services rendered by the physician, hospital, or extended care facility to the patient.

"(3) The term 'medical utilization review committee' means any committee of a hospital, or extended care facility, operated in the District of Columbia which reviews, on a sample or other basis, admissions to such hospital or facility, the duration of stays therein, and the professional services furnished, (A) with respect to the medical necessity of the services, and (B) for the purpose of promoting the most efficient use of the services and facilities available in the hospital or extended care facility.

"(4) The term 'peer review committee' means any committee of a professional medical society in the District of Columbia composed of persons engaged in the

practice of medicine in the District of Columbia which reviews or receives and hears complaints with respect to the quality of medical services furnished by any other person similarly engaged in the practice of medicine in the District of Columbia.

"(5) The term 'medical staff committee' means a peer review committee of a hospital, or extended care facility, operated in the District of Columbia.

"(6) The term 'tissue review committee' means any committee of a hospital, or extended care facility, operated in the District of Columbia which conducts a continuous review of the results of surgical operations with respect to the removal of tissue or blood from patients in the hospital or extended care facility.

"(b) No secondary medical record, in whole or in part, and no copy thereof, made in the District of Columbia shall be admissible as evidence or used for any purpose in any proceeding before any court in the District of Columbia, or before any proceeding of any commission, board, or agency of the government of the District of Columbia, and shall not be subject to a subpena issued by such court, commission, board, or agency.

"(c) Notwithstanding any other law, or rule of law, any person in the District of Columbia may transmit, upon request, to any medical utilization review committee, peer

review committee, tissue review committee, or medical staff committee, operating in the District of Columbia, any report, note, record, or other data or other information, relating to the medical services provided to any other person, to be included in a secondary medical record, which such person properly has in his possession.

"(d) No person who provides any report, note, record, or other data or information to be included in a secondary medical record made in the District of Columbia (as specified in subsection (c)) shall be liable to any other person for damages or other relief by reason of his providing such report, note, record, or other data or information.

"(e) No member of a medical utilization committee, a peer review committee, a medical staff committee, or a tissue committee, operating in the District of Columbia, shall be liable for damages or other relief to any person for any action taken or recommendation made by such member or by the committee to which such member belongs within the scope of the functions of such committee, if such committee member acts in the reasonable belief that such action is warranted by the facts known to him after reasonable effort to obtain the facts of the matter as to which such action is taken or recommendation is made.

"(f) Nothing contained in this section shall be construed as affecting the admissibility in any proceeding before

any court, board, commission, or agency of the primary medical record or those records maintained by the Medical Examiner of the District of Columbia."

SEC. 3. The chapter analysis of chapter 5 of title 14 of the District of Columbia Code is amended by inserting immediately after:

"14–507. Other methods of proof."

the following new item:

"14–508. Medical records.".

Passed the House of Representatives May 8, 1972.

Attest: W. PAT JENNINGS,

Clerk.

92D CONGRESS
1ST SESSION

H. R. 456

IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 1971

Read twice and referred to the Committee on the District of Columbia

AN ACT

To exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the Reserve Officers Association of the United States, a corporation chartered by the Act of June 30, 1950 (36 U.S.C. 221–239), shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improve-

ments thereon) which is described as lot 10 in square 726.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as that property is owned by the Reserve Officers Association of the United States and is not used for any commercial purpose. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this Act, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

Passed the House of Representatives October 12, 1971.

Attest: W. PAT JENNINGS,

Clerk.

Senator TUNNEY. Our first witness today is Senator J. Glenn Beall, Jr. The subcommittee is delighted to have you with us this morning, Senator Beall.

Senator Beall is from a neighboring State, and I know he has a great interest in the District.

STATEMENT OF HON. J. GLENN BEALL, JR., U.S. SENATOR FROM THE STATE OF MARYLAND

Senator BEALL. Mr. Chairman, it is a pleasure for me to appear before the distinguished members of the Committee on the District of Columbia to urge you to grant prompt and favorable action on legislation designed to establish a National Firefighting Museum and Center for Fire Prevention.

It is also my pleasure to introduce the members of this committee to Mr. John Zimmerman, the president of the National Firefighting Museum and Center for Fire Prevention, Inc.

Mr. Zimmerman has worked tirelessly on behalf of this legislation; and I know that I, and I am sure the members of this committee, appreciate the efforts he has made on behalf of this project and its enabling legislation.

I would also add, Mr. Chairman, that since the introduction of this bill on April 25, 1972, the distinguished senior Senator from Maryland, Mr. Mathias, and the distinguished senior Senator from the State of Washington, Mr. Magnuson, have joined me as cosponsors.

Turning to the substance of the legislation, this bill would transfer the historic structure which is located in the 3200 block of M Street NW., from the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.

This structure was originally erected in 1796 as the Bank of Columbia, with George Washington as both a director and a depositor.

From 1807 to 1845, this building housed the Bureau of Indian Affairs.

In 1845, the city of Georgetown bought the property for use as its city hall. This arrangement continued until 1871, when the building came under the control of the District of Columbia government as a result of the annexation of Georgetown.

In 1883, the building was remodeled into a firehouse. For almost 60 years, engine company No. 5 utilized this property as a base from which to protect the lives and property of the people in this community.

Since 1940, the building has been used as a storage place for garbage trucks et cetera. Now it lies vacant, totally unused, and in a real way more a menace than an asset to the people of the District of Columbia.

Mr. Chairman, I believe there are two pressing reasons why the Senate should follow the lead of the House of Representatives and enact this legislation.

First of all, it is important for us to grasp the magnitude of death and destruction caused each year by fires in our Nation.

In the next 12 hours, this menace will damage or destroy over 1,000 homes, 100 factories, 100 stores, 12 hospitals, 10 schools, and nine churches. During the next 3 years, it is estimated that fire losses in the United States will total in excess of $5.25 billion.

During the same 3-year period, the National Firefighting Museum and Center for Fire Prevention, Inc., anticipates spending approxi-

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mately $562,000 to create a facility designed to prevent such needless death and destruction.

Second, this legislation will preserve a historic structure that has played such a significant role in the growth and development of our Nation's Capital.

I would add that the building in its present condition generates no benefits for Washington, D.C. It pays no taxes, draws no tourists, et cetera.

However, if it were converted into a nattional firefighting museum, it could be expected to play a significant role in helping to combat the senseless losses caused by fire. It would portray, in an enjoyable and memorable fashion, the steps every family can take to prevent fires.

At the same time, the museum would serve as a memorial to the heroic firefighters in both the past and the present, as well as a facility designed to document the growing sophistication of firefighting equipment.

I am confident, Mr. Chairman, that this museum would be a most worthwhile visitors' landmark in our Nation's Capital, and that is why I have sponsored this legislation.

I believe that tens of thousands of visitors, many of them schoolchildren, could be expected to visit this museum each year.

Thus, we would have one of those rare opportunities to develop a museum that embodies both a historical shrine and a modern educational facility—all without the appropriation of any public funds.

In closing, let me simply remind the members of this committee that Benjamin Franklin, in an article on fire prevention written 237 years ago, coined the phrase "an ounce of prevention is worth a pound of cure."

I believe that this saying is still true today. The creation of the National Firefighting Museum and Center for Fire Prevention can be that ounce of prevention, and I would once again express my hope that the members of this committee would give prompt and favorable action to S. 3530.

Mr. Chairman, members of the committee, my colleague, Senator Mathias, I will not take much of your time.

I, along with Senator Mathias, joined in a bill to transfer some property from the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.

The building was originally erected in 1796 as the Bank of Columbia.

It is a very historic building, in a very historic part of town, that is undergoing renewal and renovation.

It is now owned by the District of Columbia, it is not used, it is in a state of disrepair, and it provides no income for the District of Columbia. As a matter of fact, I think it might serve as a fire hazard to the other buildings in the area.

We propose this building be transferred to the National Firefighting Museum and Center for Fire Prevention, Inc., so that these people, through their own efforts and at their own cost, in voluntary labor, can provide a museum that will record the growth of firefighting throughout the history of this country.

I think it would provide a good attraction in that part of town for young people in pointing out the hazards of fire and pointing out what has been done—the advances in technology in the fighting of

fires through the years—and at the same time, it would preserve a very historic building, and put it to some substantial use. As I say, it does not cost a cent, all you are doing is conveying a building not now used to some people who, with their own funds and labor, want to put it to good use. You will hear later from Mr. John Zimmerman, president of the National Firefighting Museum Center, who has worked so tirelessly in restoring the building, with regard to the legislation.

I hope the committee will look with favor upon this.

Senator TUNNEY. Thank you very much Senator Beall.

Are there any questions?

Senator MATHIAS. Mr. Chairman, if I may, I would like to comment briefly.

Senator Beall and I, as I have said previously, have had an opportunity to visit this property and inspect it.

It is a unique property in Georgetown. The building is historic in its own right, and I think it is appropriate, as Senator Beall suggested in his bill, which I am glad to be a cosponsor, that it would be an important addition to the life of the National Capital as it is made into a national fire museum.

The history of the building, the history that can be added to the building, is important, but I think it is also a way to recognize the men who now constitute the most dangerous profession in the United States.

More people per capita are killed as firefighters than any other profession in the service of society, and I think it is an appropriate form of recognition.

The property is available. I would say there is some urgency about it. I think Senator Beall would agree, that something has to be done to that property.

If it is not done soon, the roof will fall in, and it will be a total loss, whereas it is now at the point where I think it can still be salvaged.

That is a positive use, a proper use, and I certainly am very happy to be a cosponsor and support this legislation, and I hope the committee can report it out and the Senate can adopt it.

Senator TUNNEY. Senator Beall, just one question.

It is my understanding that some of the opposition that comes to the bill from the District government is that the property is valuable. I understand it may be worth $100,000 or more, and because the District is in dire financial straits, that it is thought that perhaps the property ought to be sold, and the sale value would then accrue to the Treasury of the District of Columbia.

Do you have any comments on that, because we may hear at some subsequent time something like that?

Senator BEALL. That may be true. If it is valuable property it certainly needs a lot of work, there will need to be a lot of money invested in the property also.

The people who propose to take it will do this with their own labor. It seems to me the District was interested in using the property, if that were the case, they would have done something prior to this time with this building.

This building has been sitting idle for a number of years, and you only have to go into it to see how long it has been in disuse, and the state of repair in which it has fallen.

I would suggest that we are doing the District a favor right now, because we are eliminating from their books a hazardous piece of property.

They apparently made no effort to dispose of this piece of property before.

Senator TUNNEY. Graham Watt, the Assistant to the Commissioner, wrote a letter to Senator Eagleton, chairman of the full committee, and he stated as follows:

(The letter follows:)

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

WALTER E. WASHINGTON
Commissioner

GRAHAM W. WATT
Assistant to the Commissioner

July 20, 1972

Honorable Thomas F. Eagleton
Chairman
Committee on the District of Columbia
United States Senate
Washington, D. C.

Dear Mr. Chairman:

The Commissioner of the District of Columbia has for report S. 3530 and H.R. 2895, identical bills "To provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated." H.R. 2895 was passed by the House of Representatives on April 24, 1972.

The bills would require the Commissioner of the District of Columbia to convey to the National Firefighting Museum and Center for Fire Prevention, Incorporated, a corporation organized under the District of Columbia Nonprofit Corporation Act, title to certain real property now owned by the District of Columbia. The property would be conveyed to the nonprofit corporation free of monetary consideration for the purpose of establishing and maintaining a museum dedicated to fire prevention. If the property ceases to be used for this purpose or, if after five years following the date of enactment, the corporation has been unable to obtain financing for restoration of the property, title would revert to the District.

The bills stipulate that the transfer of title from the District to the corporation shall not take place

until the Commissioner has assurances that the nonprofit corporation has adequate financial support available to restore and maintain the building on the real property as a firefighting museum. Further, the bills provide that no conveyance shall take place unless a sufficient amount of apparatus, equipment, and other firefighting items are available to provide a suitable display.

The bills also would repeal the Act of September 1, 1959 (Public Law 86-216) which directed the former Board of Commissioners to convey this same property to the Association of Oldest Inhabitants of the District of Columbia. However, unlike S. 3530 and H.R. 2895, Public Law 86-216 provided that the Association of Oldest Inhabitants pay the District one-half of the fair market value for the property.

Based on the District's acute need for revenues, the Commissioner cannot recommend enactment of a bill that would transfer valuable real property belonging to the city to a nonprofit group free of charge. A recent appraisal of the property estimates its fair market value in excess of $100,000. However, in view of the merit of the use which the corporation proposes for the property, the Commissioner is willing to forgo the advantages of selling the property through normal competitive bidding procedures to the highest bidder, and instead sell it to the corporation at the fair market value as determined by the Commissioner after appraisal of the property. Further, the bills should be amended to provide that in the event the corporation should not purchase the property within one year after the date of enactment, the District would be free to dispose of the property through normal competitive bidding procedures.

While the Commissioner would welcome the establishment of a Firefighting Museum and Center for Fire Prevention in the District of Columbia, and believes that the educational benefits which would come from such a venture clearly could compensate for the revenues which would be lost to the District by virtue of the corporation's tax exempt status, he nevertheless wishes to point out that it is the position of the District of Columbia to oppose any special property tax exemptions that are not

in accord with the provisions of the first section of the Act approved December 24, 1942 (D. C. Code, sec. 47-801a), which sets forth the standards to determine whether the property of an organization is exempt from taxation. It is the Commissioner's view, therefore, that section 4 of the bills should be deleted.

Subject to the suggested amendments, the Commissioner has no objection to the enactment of either S. 3530 or H.R. 2895.

Sincerely yours,

GRAHAM W. WATT
Assistant to the Commissioner

For: WALTER E. WASHINGTON
Commissioner

Senator BEALL. Obviously I do not agree with the District's position.

It seems to me the use to which the property will be put has a great bearing on this. This will be a Firefighting Museum. This will be a national tribute to a group of very courageous individuals, who perfrom a very valuable service in protecting property and preserving life.

I think we owe that to them, that they do have this kind of recognition, and it seems to me a very inexpensive way to pay a much deserved tribute to these people.

The District has made no effort to dispose of this property prior to this time, and it is only when we come up with an idea for the use of the property that we hear from the District of Columbia.

Quite frankly, I think this is a little late.

The public interest is served if we can dispose of the property by donating it to the Firefighting Museum, so it can be put to good use. It can be restored and can become a usable piece of property in an attractive part of town.

Senator MATHIAS. I think that is a very feeble argument on the part of the District government.

The sum of $100,0000, is a great deal of money, granted, but it is a drop in the ocean compared with our problems in the District.

We are faced with the police and firemen's pay and we must find a way to make it retroactive and preserve the integrity of the retirement system.

Other areas in which we need money are there also, but I think to try to relate that need to this particular property, as Senator Beall says, it has been sitting there idle for many, many years, and this argument is ridiculous.

The point is you are dealing now with a piece of property which is unique and can never be duplicated. You can never again have the qualities associated with this particular building.

If it is sold on the open market, for some unspecified unlimited purpose, its character can change, I think the city will be far poorer in terms of real values of life than it will by gaining $100,000 as a sale price.

Now, what we have proposed in this bill is a use for the property which is consistent with what is important, and is recognized as its real value. I would resist very strongly the argument that there ought to be strictly a dollar-and-cents decision here.

Senator BUCKLEY. Senator Beall, do you happen to know what the value of tourism is to the economy of the District?

Senator BEALL. I cannot give you figures, Senator Buckley, but obviously it seems to me that in addition to the Federal contribution made to the District of Columbia government, I cannot think of anything more valuable than is tourism in dollars and cents to the District.

Senator BUCKLEY. Do you believe that this museum, when established, will add an important tourist attraction to the city?

Senator BEALL. It most certainly will.

Senator BUCKLEY. Then along those lines it will contribute to the coffers of the city?

Senator BEALL. It certainly will. Much more than the $100,000 they would get if they sold the building.

Senator BUCKLEY. Thank you very much.

Senator MATHIAS. I would suggest one further thing to the line of thinking that Senator Buckley has originated: There has been, at various times, concern about the stability of the neighborhood in Georgetown and what its future would be.

A museum in that location would be a strong anchor for the neighborhood. If it is sold on the open market—there is no predicting what its ultimate use will be.

Senator BEALL. This certainly helps preserve the historic character of the whole area.

Senator TUNNEY. Are there any further questions or statements? Thank you very much, Senator Beall.

Senator MATHIAS. Mr. Chairman, I have one further statement, but I will ask permission to put it in the record.

Senator TUNNEY. Without objection, so ordered.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., U.S. SENATOR FROM MARYLAND

Senator MATHIAS. Mr. Chairman, fire, which was primitive man's best friend, has become one of modern man's worst enemies.

For each of the last 6 years, more than 12,000 persons have died because of fire. Hundreds of thousands more have been injured.

In my own State of Maryland, more than 160 persons died from fire last year and 1,600 more were injured seriously enough to require hospitalization.

The National Commission on Fire Prevention and Control reports that 210 firemen were killed and 38,583 were injured in the line of duty last year.

There can be little dispute that the best efforts to date of public and private agencies seeking to promote fire safety have not been enough. We must do more.

I recently had the opportunity to visit the historic building at 3212 M Street, in Georgetown, which the National Firefighting Museum and Center for Fire Prevention seeks to convert into a living museum and fire safety promotion center, and I am pleased to cosponsor this legislation.

Because of my own interest in this problem, I am also sponsoring a package of seven bills now pending before other committees which would modernize America's approach to firefighting, fire prevention, and fire protection.

These measures would create a National Fire Academy to serve as a national center for fire research and education, authorize $75 million for fire research and safety programs over the next 3 fiscal years, authorize Federal support for 90 percent of the cost of training firefighters and 90 percent of the cost of fire science programs, provide financial assistance of up to 90 percent of the cost of local fire departments' purchases of new equipment, establish a National Fire Data and Information Clearinghouse to provide emergency information on a 24-hour basis, amend the Hazardous Materials Transportattion Control Act to require the placarding of certain vehicles transporting hazardous materials in interstate commerce, and amend the Flammable Fabrics Act to extend its provisions to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation.

Mr. Chairman, I am pleased that this committee has demonstrated its recognition of the seriousness of the problem we face in fire prevention and control by scheduling a hearing on this legislation.

I would like to submit for the record an editorial from the Washington Post of March 20 concerning the proposal before us and what it means.

Senator TUNNEY. It will be received.

(The editorial follows:)

[From the Washington Post, Mar. 20, 1972]

BRING BACK THE FIRE HORSE

One of the most ancient warnings issued by parents to little children—it must date back to the cookouts of cavemen—has to be that playing with fire is a no-no. Yet precisely because fire prevention is such an old-hat topic, public service campaigns to acquaint children with the dangers of fire aren't generating the attention they once did. Spot announcements and posters to the contrary—few of us stop to realize that children and matches play a part in so many tragic fires—or that last year, fire killed about 3,000 children in the United States and three times as many adults.

It may be impossible to impress such statistics on young people these days, but at least one group of local citizens has come up with an imaginative approach to fire-prevention education. Organized as the National Firefighting Museum and Center for Fire Prevention, Inc., a nonprofit corporation, the group hopes to convert an unused historic building in Georgetown into a "living" museum for children—complete with real fire horses and pumpers, and maybe even a Dalmation dog.

The building—now inhabited primarily by itinerant molting pigeons—is at 3210–12 M St. NW, and has been a surplus property of the District government for more than 25 years. It was erected in 1796 as the Bank of Columbia, of which George Washington was a director. Records show that in 1807, the Bureau of Indian Trade took over the building until the government of Georgetown made it into city hall. When Congress revoked Georgetown's charter in 1871, the property was absorbed by the District of Columbia. From 1883 to 1940, it was the celebrated home of Engine 5 of the fire department. Today, there's little left inside the structure, except for a hole in the ceiling where the pole once stood, and some rickety steps up to a onetime bunkroom.

Supporters of the museum idea—including insurance companies, firemen's groups, Georgetown merchants and the citizens association—are prepared to solicit private funds to restore the building and to operate a free "firehouse of the 1880s," with guides in old firefighting garb sliding down brass poles to greet student groups; special badges and paraphernalia for the children; and instruction in fire prevention.

Under a bill sponsored by House District Committee Chairman John L. McMillan (D-S.C.) and approved last week by a subcommittee, the building would be conveyed to the museum and center, and if for any reason the project failed, would revert to the city government. Understandably, the District government would rather sell the property, valued at about $100,000, to the museum group. But since the supporters have offered to produce more than $500,000 to cover restoration of the structure and museum operations for three years, and since nothing has been done about the property for so long, the conveyance plan strikes us as a fine way to combine history, fire-prevention information—and fun—in a famous building that ought not be left to decay.

Senator TUNNEY. The next witness is the Honorable Graham W. Watt, Deputy Mayor of the District of Columbia.

STATEMENT OF HON. GRAHAM W. WATT, DEPUTY MAYOR, DISTRICT OF COLUMBIA

Mr. WATT. Mr. Chairman, I have brought with me the Assistant Corporation Counsel, and a representative from the Department of Finance and Revenue.

Mr. Chairman, I would like to present my statement on two bills, which are closely related, S. 3530, as well as H.R. 456.

Mr. Chairman and members of the committee, thank you for this opportunity to appear before you to testify on H.R. 456 and S. 3530, two bills which would further erode the city's already extremely limited tax base.

H.R. 456 would exempt from District taxation, real property owned by the Reserve Officers Association of the United States. It would also exempt from taxation, improvements on the property and furniture, furnishings, and other personal property located there.

The property which is the subject of this bill is here on Capitol Hill at No. 1 Constitution Avenue NE., and includes a five-story office building occupied exclusively as the National Headquarters of the Reserve Officers Association of the United States.

The property, together with its improvements, is currently valued for assessment purposes at $663,728, and the annual real property tax on the property is $22,036.

We opposed the enactment of H.R. 456 because of the special property tax exemption which it would provide.

The existing District of Columbia real property exemption law, enacted by the Congress in 1942, contains general provisions under which organizations may seek exemption from the District's real property tax.

The enactment of legislation such as H.R. 456 is undesirable for two reasons.

First, the proposed legislation is directly contrary to the intent of Congress when it enacted the general exemption statute in 1942. Special exemption legislation destroys the effectiveness of the general exemption provisions which were intended to provide uniform property tax exemptions for organizations whose activities meet the requirements for exemptions delineated in the general law.

Second, special exemption legislation is clearly discriminatory in that it confers a favored status upon a single organization which is not available to similar organizations unable to comply with the standards set by the Congress in the general exemption statute.

S. 3530 is a similar measure in that it would require the Commissioner of the District of Columbia to convey to the National Firefighting Museum and Center for Fire Prevention, Inc., title to certain real property now owned by the District of Columbia.

The property would be conveyed free of charge to the nonprofit corporation to be used for a museum dedicated to fire prevention.

The bill stipulates that the conveyance from the District to the corporation shall not take place until the Commissioner has assurances that the corporation has financial support adequate to restore and maintain the building as a firefighting museum.

The bill also would repeal the act of September 1, 1959, Public Law 86–216, which directed the former Board of Commissioners to convey this same property to the Association of Oldest Inhabitants of the District of Columbia.

However, unlike S. 3530, Public Law 86–216 required that the Association of Oldest Inhabitants pay the District one-half of the fair market value for the property.

Parenthetically, that is the reason that the building has not been used.

It has not otherwise been disposed of by the District of Columbia, and we are under the mandate of the Congress in Public Law 86–216 to convey the property to the Association of Oldest Inhabitants, at such time as they are prepared to pay one-half the fair market value of the property, so under the circumstances I think we are understandably constrained to make other use or putting the building to other use for our utility.

Based on the District's acute need for revenues, the Commissioner cannot support a bill that would dispose of valuable real property belonging to the city, free of charge.

A recent appraisal of the property indicates its fair market value to be in excess of $100,000.

However, in view of the merit of the use which the corporation proposes for the property, the Commissioner is willing to forgo the advantages of selling the property to the highest competitive bidder, and instead would sell it to the corporation at the fair market value as determined by the Commissioner after appraisal of the property.

The bill should be amended further to provide that should the corporation not purchase the property within 1 year after the date of enactment, the District would be free to dispose of the property through its competitive bidding procedures.

While the Commissioner would welcome the establishment of a firefighting museum and center for fire prevention in the District of Columbia, and believes that the educational benefits which would come from such a venture clearly could compensate for the revenues which would be lost to the District by virtue of the corporation's tax-exempt status, he nevertheless wishes to point out that it is the position of the District of Columbia to oppose any special property tax exemptions that are not in accord with the provisions of the first section of the act approved December 24, 1942, District Code, section 47–801(a), which sets forth the standards to determine whether the property of an organization is exempt from taxation.

It is the Commissioner's view, therefore, that section 4 of the bill which provides a special tax exemption should be deleted.

It is relevant to this hearing and quite important to your consideration of these two bills to consider the overall effect on District revenues of special tax exemption legislation.

On the basis of fiscal year 1972 assessments, the net revenue loss to the District of Columbia as a result of those properties specifically exempted by act of Congress, and which would not otherwise be exempt under the general tax laws, is $1,975,171 per year based on a total assessed valuation of those properties of $61,724,100.

This same point made in a somewhat different way by tax authority Laszlo Ecker-Racz in his 1968 report, "Financing District of Columbia":

> The number of these tax favored organizations in the District is constantly increasing. The land occupied by private nonprofit institutions increased from about 5.0 percent to 6.5 percent of the total land area of the District between 1946 and 1968. Since the total area of the District is rigidly restricted, the revenue implication on these exemptions grows more and more ominous with each passing year.

This continued erosion of the property tax base in the District of Columbia makes it evermore difficult to provide the resources necessary to fund the District's budget.

The District government has been greatly concerned about this erosion of the District's tax base and about the problem of tax exemptions generally.

After considerable study and analysis, the District prepared legislation which would more effectively deal with the problem of property tax exemptions in the city. In that legislation, which is title I of the proposed "District of Columbia Tax Procedures and Administrative Reform Act of 1971," was submitted to the Congress by the Commissioner on May 14, 1971, but so far no action has been taken on it.

The proposed legislation which I have mentioned would provide an entirely new law governing property tax exemption in the District of Columbia commencing with fiscal year 1973. First, all property exempted by special act of Congress would be phased out entirely between 1974 and 1977, at a rate of 25 percent decrease each year. Second, the bill contains general tax-exemption criteria, patterned in large part after existing law, under which organizations could qualify for tax exemption. Those organizations which do qualify will ultimately be entitled to an exemption of 60 percent of the value of their exempt property. In other words, those organizations which qualify for an exemption will, commencing with fiscal year 1973, be exempt to the extent of 90 percent of the value of their exempt property: 80 percent in fiscal year 1974, 70 percent in fiscal year 1975, and 60 percent in fiscal year 1976 and succeeding fiscal years.

Through the District's proposals, the inequities involved in the existing special tax exemption laws would be eliminated. In addition, those organizations which are exempted in part from the property tax will, to the extent that a tax is required to be paid, recognize the very real benefits received by the organization from the District government.

We recommend strongly against enactment of H.R. 456 as yet another special tax exemption which moves in a direction opposite to the proposals contained in the District's "Tax Procedures and Administrative Reform Act."

We also recommend against enactment of S. 3530 unless it is amended to provide for sale of the property at the fair market value.

Thank you for this opportunity to appear and to outline the adverse fiscal impact these measures would have on the city's already limited resources.

Senator TUNNEY. Thank you very much.

Senator BUCKLEY. Mr. Watt, you said the city is now losing about $1,900,000 of revenue. By how much has the Federal contribution to the District increased over the past year?

Mr. WATT. Over the past year, the Federal payment for fiscal 1973 is at the same authorized level as that for 1972.

Senator BUCKLEY. How much is that contribution?

Mr. WATT. $190 million.

Senator BUCKLEY. Let me point out that I think the fact of the contribution recognizes that the District does have some unique feature; that is, the District does have some unique problems affecting its fiscal situation, and the fact it is a seat of government; and as a seat of government, it is also the seat of museums and other tax-exempt activities.

I certainly sympathize with the problems faced by the District. Perhaps the title I you referred to will provide the longer range approach that we need to follow. But in the meantime, I would be other than candid if I did not say I would favor efforts made to preserve buildings which can be converted to a purpose of long-term interest to the United States.

But by the same token, I do recognize the Federal Government then incurs obligations to offset these deficits.

Mr. WATT. Senator, I would quite agree with your observation regarding the value of buildings such as this.

It was a true action of the District of Columbia government that this particular building was submitted to and approved for listing on the list of historic places, maintained by the appropriate Federal agency, part of the Department of Interior. The limitations and restrictions on the use and modfication of this building, which derive from that listing, would, of course, apply to any subsequent owner.

Senator BUCKLEY. Thank you very much. I have no further questions.

Senator TUNNEY. It is my understanding that there have been 33 special exemptions given to associations since that law was passed, creating general exemptions, is that correct?

Mr. WATT. I believe the number is now 35, Senator. There have been two added since the data which I think you have before you was prepared, so I would say 35. Organizations having real property which is exempt by a special act of Congress, that is right.

Senator TUNNEY. Do you feel that those 35 organizations that have that special exemption should lose their exemption?

Mr. WATT. I believe, Mr. Chairman, when the Congress enacted the law in 1942, establishing the criteria for measuring the qualifications of a private organization for special tax treatment, the Congress gave this matter very careful consideration and reflected in those criteria what Congress thought at that time were appropriate measures.

Since that time, the Congress has responded to a variety of requests for special legislation, like the two which are before you, and while not approving all of them, have, as the figures show, approved some 35 of them.

These are organizations, some of which would qualify under the general exemption provisions, not all of them, of course, but there are approximately 10 of the 35 that we believe would qualify under the general exemption provisions, but despite that, special exemption legislation——

Senator TUNNEY. The question really was: Do you feel that those organizations, which do not qualify under the general exemption provisions, should they lose their special exemption?

The reason I am asking that question is basically the foundation question for a followup which would be something to the effect that if you believed that certain organizations are entitled to special exemptions, why not the officer's association?

Mr. WATT. Well, we believe, Senator, that the organizations which should be exempt from taxes are essentially such organizations as churches, church property, which is directly related to religious efforts of the church, educational institutions, art galleries, certain organiza-

tions which conduct programs which are directly related in some way or other to public charity.

Organizations which maintain a headquarters operation in the city of Washington, as a means of being either close to the seat of government for convenience of the organization, which are located in Washington because of the prestige of the organization, which carry out activities which are to a great extent limited to the benefit of that organization, we believe those organizations should not be exempt.

Senator TUNNEY. As a general rule?

Mr. WATT. As a general rule.

Senator TUNNEY. I have not heard the argument that is going to be made by the Reserve Officer's Association, and I do not see any statement, but I would assume they would say that these others have an exemption, why can't we have an exemption.

Aren't we as good as they are?

I believe it would be words to that effect.

I have just been handed the statement they are going to make, and I think that that is consistent with what I have said, and your argument to that would be what?

Mr. WATT. We do not speak today to the merit or the worth of one organization as compared to another.

We speak more in terms of the principal which is at issue, that is, given the facts the Congress did establish general criteria for determining those organizations, which in its view would properly be tax exempt, we must of course pose a special action, which does grant special favor or privilege to organizations which do not qualify under the general criteria, by so doing, then having an impact on the city's revenue case.

Senator TUNNEY. I think you made your point very clearly.

I would just like to ask you a couple of questions with respect to the potential museum.

Would the District withdraw its objection if we increased the Federal payment by the amount of the tax exemption?

Mr. WATT. This was at one time proposed, I believe on the other side, to authorize an increase in the Federal payment, or, if you will, a special payment to directly reimburse the city for the amount of real property tax loss each year as a result of the special exemptions granted by the Congress.

I can only point out that while that would seem to respond to the District's concern about the erosion of its revenue base, there is sometimes a gap between authorization and appropriation, but for that concern, I think we would certainly have to modify our position.

Senator TUNNEY. With regard to the legislation that would create the National Firefighting Museum, you made the comment that the reason you could not dispose of the property was because of some act of Congress.

I believe it was Public Law 86–216—is that the law?

Mr. WATT. Yes.

Senator TUNNEY. Could you just briefly describe, and I really would like it to be as brief as possible, what that law states, and why it prevents you from getting rid of the property?

Mr. WATT. That law is dated September 1, 1959, and it reads as follows:

(Public Law 86–216 follows:)

Public Law 86-216
86th Congress, H. R. 303
September 1, 1959

AN ACT

To provide for the conveyance of certain real property in the District of Columbia to the Association of the Oldest Inhabitants of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Commissioners of the District of Columbia is authorized and directed to convey to the Association of the Oldest Inhabitants of the District of Columbia, all right, title, and interest of the District of Columbia in and to the real property in the District of Columbia described in section 2 of this Act: *Provided*, That whenever the said real property no longer is occupied by the said association for the purposes of said association, all right, title, and interest of the said association in and to such property shall revert to the District of Columbia. Association of the Oldest Inhabitants of the District of Columbia. Conveyance.

As used in this section, the term "purposes of said association", means substantially the purposes of the said association as they were set forth in the constitution and bylaws of the said association as of January 1, 1957, and such purposes shall be deemed to include the housing and care of such firefighting equipment belonging to the District of Columbia or to said association as was being housed and cared for by said association as of January 1, 1956. No conveyance pursuant to this Act shall be effective until such time as there shall be filed with the Recorder of Deeds of the District of Columbia a certified copy of said constitution and bylaws, and an itemization of said firefighting equipment approved by the said Board of Commissioners: *Provided*, That the said Board of Commissioners may, without effecting a reverter, withdraw from the custody of said association such of the firefighting equipment as is the property of the District of Columbia. 73 STAT. 446. 73 STAT. 447.

SEC. 2. The property referred to in the first section of this Act is part of lot 47 in square 1200 described as follows: Description.

Beginning for the same at a point on the south line of M Street, said point of beginning being 127.50 feet west of the west line of Wisconsin Avenue; and running thence east along the south line of M Street 38.38 feet to the centerline of the west wall of the premises 3208 M Street northwest; thence in a southerly direction along the centerline of said wall and a continuation thereof 90.0 feet; thence in a westerly direction along a line parallel to the south line of M Street 38.88 feet, more or less, to a point 127.50 feet west of the west line of Wisconsin Avenue; thence in a northerly direction 90.0 feet to the point of beginning: all as shown on plat of survey recorded in the Office of the Surveyor of the District of Columbia in survey book 51, page 66.

SEC. 3. The conveyance authorized by this Act shall be conditional upon the Association of the Oldest Inhabitants of the District of Columbia paying to the Commissioners of the District of Columbia as consideration for the property conveyed an amount equal to 50 per centum of its fair market value as determined by the Commissioners after appraisal of such property. Fair market value.

Approved September 1, 1959.

Mr. WATT. This law is the subject of our interest here today, and so that act, that public law serves in effect as an encumbrance upon the District in terms of how it may either use or otherwise dispose of the property.

Senator TUNNEY. I have a letter from the law firm of Dawson & Dawson to Mr. John D. Zimmerman, president of the National Firefighting Museum, and I would like at this time to insert this letter into the record, along with the letter of transmittal.

(The letters follow:)

DAWSON & DAWSON,
ATTORNEYS AT LAW,
Alexandria, Va., March 30, 1972.

Re: H.R. 2895 and P.L. 86–216 Our File: 148–1.

Mr. JOHN D. ZIMMERMAN,
President, National Firefighting Museum and Center for Fire Prevention, Inc., Washington, D.C.

DEAR MR. ZIMMERMAN: Enclosed is a letter memorandum of law which we forward per your request. This memorandum sets out in the briefest form our opinion of the legal position of the Association of the Oldest Inhabitants of the District of Columbia vis a vis the Government of the District of Columbia, relevant to the real property under consideration in H.R. 2895.

Briefly, it is the opinion of counsel that although P.L. 86–216 granted an equitable interest in the property to the Association, the Association cannot now perfect its title to the property because it has disposed of the firefighting equipment mentioned in P.L. 86–216. On the other hand, the equitable interest which remains in the Association creates a sufficient cloud on the title to the property that the District could not now convey marketable title to the property to any other purchaser.

Thus a legal stalemate exists which could only be cured by the repeal of P.L. 86–216 or by the District bringing a suit to quiet title on the property. As long as this stalemate persists the property must continue to deteriorate.

Sincerely yours,

PETER L. DAWSON.

DAWSON & DAWSON,
ATTORNEYS AT LAW,
Alexandria, Va., March 20, 1972.

Re: H.R. 2895 and P.L. 86–216.

Mr. JOHN D. ZIMMERMAN,
President, National Firefighting Museum and Center for Fire Prevention, Inc., Washington, D.C.

DEAR MR. ZIMMERMAN: H.R. 2895, "A Bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated", seeks to repeal *The Act of September 1, 1959* (P.L. 86–216). That Act granted to the Association of the Oldest Inhabitants of the District of Columbia, an equitable interest in certain real property belonging to the District of Columbia. The Act further provided that upon the fulfillment of certain conditions precedent by the Association, the District Commissioners should convey all right, title and interest in the real property to the Association.

Those conditions precedent have not been fulfilled by the Association in the thirteen years since the passage of the Act. The Act, however, is silent as to any deadline for their fulfillment.

Where there is no express deadline for the performance of a condition precedent to the conveyance of real property, the rule of reasonableness is applied, and the condition must be performed within a reasonable time. It is left to the courts to decide if any delay is reasonable, considering the facts of each case. *Union Stockyards Co.* v. *Nashville Packing Co.*, 140 Fed. 701 (6th Cir. 1905).

It is the opinion of the National Firefighting Museum that the Association has disposed of certain of the firefighting equipment which it "housed and cared for . . . as of January 1, 1956". Thus that condition precedent to conveyance cannot now be fulfilled. If a condition precedent becomes impossible, the grant fails because no estate can vest in the grantee until the condition is performed. *Cox* v. *Hinshaw*, 226 N.C. 700, 40 S.E. 2d 385 (1946). Since it is remotely possi-

ble that the Association could reacquire this particular equipment and thus perfect its title to the real property in question, it must be said that the Association still retains an equitable interest in the property.

A the Hearings held before Mr. Stuckey's District of Columbia Subcommittee on March 15, 1972, the representative of the District of Columbia testified for the Record that it was the District's opinion that a reverter of the property in question had already occurred, due to the delay on the part of the Association. This cannot be the case, however, since title has never passed to the Association. The Association holds only an equitable interest in the property granted to it by P.L. 86–216. See, *U.S. ex rel. Givens* v. *Work*, 13 Fed. 2d 302 (D.C. Cir. 1926) cert. den. 273 U.S. 711 (1926).

This equitable interest remaining in the Association would thus represent a cloud on the District's title to the property, and would estop the District to convey marketable title to any other bona fide purchaser The District could not guarantee such purchaser that he would not be purchasing a law suit brought by the Association to perfect its rights to the property.

Since only a Court may determine if delay in fulfilling conditions precedent to a conveyance is unreasonable, the only means by which the District could remove this cloud on its title to the property in question, would be to institute a suit to quiet title, alleging laches on the part of the Association: *Galliher* v. *Gadwell*, 145 U.S. 368 (1892), As stated at the Hearings, in the thirteen years the District has not chosen to bring such a suit.

Thus the situation has arrived at a legal stalemate wherein the inaction of both the Association and the District of Columbia has resulted in a tragic deterioration of this historic structure.

Respectfully submitted,

DAWSON AND DAWSON.

Senator TUNNEY. Why did not the District of Columbia take action to acquire title on this property?

Mr. WATT. My recollection, Senator, is that it has been a relatively recent decision by the Association of Oldest Inhabitants that they would no longer pursue the effort to, I assume, raise funds, and to qualify under the provisions of the act of September 1, 1959.

In the meantime, the bill which is before us was presented, and I think the District quite properly would be criticized by this Congress if given this legislation, we were to proceed to take independent steps to try to acquire title and convey the property.

Senator TUNNEY. Yes, but this legislation has only recently been introduced, and 13 years has gone by in which the conditions precedent were not filled. I am just wondering why, if this property is so valuable and if the tax base is being eroded as we all know it is, some action was not taken by the District to acquire title so that the property could be disposed of in 13 years?

Mr. WATT. As I said, it has only been recently that the Association of Oldest Inhabitants has indicated it will no longer seek to qualify to acquire the property.

Senator TUNNEY. So we were waiting on the Oldest Inhabitants to make their decision?

Mr. WATT. In effect. The reports we have, through formal contact both through the association and those which I am told sponsored the bill on the other side, back in 1959, and who maintained an interest in it, indicated to us that it would be contrary to the will of the Congress to proceed to act independently.

Senator TUNNEY. How long has the equipment been out of the building? How long has that building stood as a shell?

Mr. WATT. I do not think I can tell you that. I could provide it.

Senator TUNNEY. I do not have a position yet on the bill that has been introduced, but it would seem to me that for 13 years the District

of Columbia was willing to sit on its hands, and not urge a decision by the Oldest Inhabitants of the District of Columbia to fill the conditions preceding, and thereby bring about a result that was envisioned by Congress in Public Law 86–216. One might say the principal of laches applies, when you come forward now, when we are trying in the Congress to consider making a museum, saying we need the money now.

Mr. WATT. I would point out, Mr. Chairman, even the bill of 1959, provided that the Association of Oldest Inhabitants must pay one-half the fair market value of the property.

The proposal presently before the committee would give the property away.

We are not objecting to the conveyance of the property, or an act of Congress which would be for a firefighting museum, but we are objecting to giving it to them.

Senator TUNNEY. So if the bill were amended so we would pay 50 percent, would that satisfy you?

Mr. WATT. Our position is that we should receive 100 percent of the fair market value.

Senator TUNNEY. Thank you very much.

Mr. WATT. Thank you.

Senator TUNNEY. Our next witness is Ted Kuemmerling, corporation counsel's office.

STATEMENT OF TED KUEMMERLING, CORPORATION COUNSEL'S OFFICE

Mr. KUEMMERLING. Mr. Chairman, I am pleased to appear before the committee today to testify on two bills, S. 2646 (H.R. 11032) and H.R. 9769.

The Commissioner of the District of Columbia has for report H.R. 11032 and S. 2646, similar bills "To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia."

H.R. 11032 and S. 2646, modeled after the model white cane law of the National Federation of the Blind, would give statutory expression to the principle that the blind and the otherwise physically disabled have equal access to all public places and facilities in the District of Columbia. The bills would specifically grant the blind and otherwise physically disabled full access to all common carriers, public accommodations such as hotels, places of amusement, resorts, and other places to which the general public is invited. The bills further provide that a blind person shall be permitted to be accompanied by a guide dog in any public place and that no extra charge may be made for the dog.

H.R. 11032 and S. 2646 would require motorists to use caution when confronting a blind pedestrian carrying a white cane, but would also provide that failure of a blind person to carry a white cane shall not be construed as contributory negligence on the part of such blind person in the event of an accident.

The bills provide that the blind and otherwise physically handicapped shall be employed by the District Government and other public agencies on the same basis as abled-bodied persons unless the work involved can be shown to require an able-bodied employee, and that no

blind person or person otherwise physically disabled shall be denied sale or rental housing on the grounds of his physical disability or because of his guide dog.

Finally, the bills would require the Commissioner to make a public proclamation each October 15 regarding the significance of the white cane and the general treatment of disabled persons by the community.

The Commissioner fully supports the objective of H.R. 11032 and S. 2646 which is to assure that blind and otherwise physically disabled persons are free to participate in all aspects of social activity. This support for the rights of the visually impaired and other disabled persons is reflected by the fact that in May 1970, the Commissioner submitted to the District of Columbia Council, and in June the Council adopted, a resolution based on the same principles found in the bills. A copy of Resolution 70–38 is attached herewith. In addition, it should be noted that every year since 1967 the Commissioner has proclaimed 1 day as White Cane Day.

In the belief that H.R. 11032 and S. 2646 are compatable with existing District policies regarding the blind and otherwise physically disabled, the Commissioner has no objection to the intent of the legislation. He wishes to point out, however, that the bills are, in certain respects, duplicative of existing local actions.

(The resolution, previously referred to, follows:)

RESOLUTION NO. 70-38

June 2, 1970
Date Adopted

Resolution

of the

District of Columbia City Council

TITLE RIGHTS OF BLIND AND DISABLED PERSONS

Dr. Henry S. Robinson, Jr. Presents the following Resolution:

WHEREAS, many States have adopted legislation based on a Model White Cane Law which is designed to assert and protect the rights of blind and disabled persons; and

WHEREAS this Government should strive to support in every way possible the efforts of blind and disabled persons to lead normal and productive lives;

NOW, THEREFORE BE IT RESOLVED by the District of Columbia Council that:

Section 1. It is the policy of this City to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the City and to engage in remunerative employment

Section 2. The blind, the visually handicapped, and those otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

Section 3. It is the policy of this City that every totally or partially blind person should have the right to be accompanied by a guide dog, especially trained for the purpose, without being required to pay an extra charge for the guide dog.

Section 4. Private businesses, owners and operators are hereby called upon to assure blind and physically handicapped persons the same treatment as is afforded other persons.

Section 5. It is the policy of this City that the blind, the visually handicapped, and those otherwise physically disabled shall be employed in the District of Columbia Government, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

Section 6. This resolution shall take effect immediately.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A
HAHN	X				DAUGHERTY				X	ROBINSON	X			
TUCKER	X				HAYWOOD	X				VEAZEY	X			
ANDERSON	X				MOORE				X	YELDELL	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting

I hereby certify that this resolution is true and adopted as stated therein.

2774

Secretary of the City Council

Certified copies are available.

Mr. KUEMMERLING. I have also the report to testify on H.R. 9769, a bill concerning medical records, information and data, to promote and facilitate medical studies, research, education, and the performance of the Medical Utilization Committee in the District.

The Commissioner of the District of Columbia has for report H.R. 9769, a bill "Concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia." H.R. 9769 was passed by the House of Representatives on May 8, 1972.

The objectives of the bill are to protect the work product of certain medical committee investigations and to provide immunity from suit for persons involved in such investigations. In accordance with these objectives, no "secondary medical records," defined as "any record of information or data, gathered to be used, or used, in the District of Columbia, to study morbidity and mortality (including the study of maternal welfare and perinatal morbidity and mortality) by any person employed by or working or associated with * * * certain specified private or governmental medical groups, societies, or agencies, shall be admissible as evidence or used for any purpose in any court or agency proceeding."

Further, no person who provides any report, note, record or data comprising such "secondary medical records" shall be liable to any other person for damages for furnishing such information. Additionally, no member of a medical review committee shall be liable for damages to any person for any action taken or recommendation made by the committee or a member thereof, so long as the action taken is within the scope of the functions of the committee and taken in good faith.

The bill by its terms provides that nothing contained therein "shall be construed as affecting the admissibility in any proceeding before any court, board, commission, or agency of the primary medical record or those records maintained by the Medical Examiner of the District of Columbia."

The Commissioner previously objected to this bill, prior to its amendment by the House of Representatives, on the ground that the language was vague and ambiguous. Such defects have been eliminated in this bill, and the Commissioner, therefore, does not oppose enactment of H.R. 9769.

Senator TUNNEY. I now place in the record a prepared statement of the Medical Society of the District of Columbia on H.R. 9769.

(The prepared statement follows:)

PREPARED STATEMENT OF THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA ON H.R. 9769

Chairman Tunney and Members of the Subcommittee. The Medical Society of the District of Columbia, which has a membership of 2,600 physicians who practice in this metropolitan area, supports the enactment of this bill; a bill which is needed to facilitate the function of Peer Review Committees dealing with the practice of medicine both from within and outside medical care institutions.

First, we would like to point out that legislation similar to that which is proposed in this bill has been enacted into law by 25 states since 1968. Our neighboring states of Maryland and Virginia have passed such legislation. It would be desirable, therefore, for a number of reasons, to have this bill passed for the District of Columbia. For example, those involved in studies which are required

to determine the adequacy of medical treatment and proper use of facilities, and those involved in the review of this care must be protected in such fashion so as to ensure free access to all pertinent information without hesitation or fear or legal reprisal. This bill does not, it is to be noted, deprive the public of the primary medical record or institutional record pertaining to the care of the patient.

Consumers, third party payors, and Government regulatory agencies have established interests in mechanisms for financing of medical care, but the medical profession should and does bear the major responsibility for reviewing and "Policing" quantitative and qualitative controls. Inasmuch as the judicious use of hospital and medical facilities by the public and physicians is essential to the efficient and economic functioning of the prepayment and voluntary health insurance systems, medical societies and hospitals have established various types of medical audit programs.

Moreover "Health Insurance for the Aged Act" 79 Stat 313–42 USC 1395, 1965 passed by the Congress of the United States, demands that each hospital form a "Utilization Committee." Such utilization review includes the review of individual patient medical histories and charts with respect to need for admission. Length of stay, discharge practices and evaluation of the services ordered and provided. Physicians placed on such committees must question the judgment of treating physicians. It is, therefore, in the public interest that members of such committees be encouraged to engage in candid and free discussions in order to reach an unbiased opinion.

This bill (HR 9769) holds that the Utilization Committee has the right to review the records of the patient. The treating physician may provide such information to the committee, so long as there is no misuse of the information. And it remains confidential within the "Review" committee. This bill further provides that no member of such a committee shall be liable in damages for his actions if they are made within the scope of the committee's functions, and if the actions taken were made in good faith.

As an extension of Utilization review beyond the institutional boundaries, medical societies have instituted a claims review process for reviewing professional services outside the institution. H.R. 9769 provides protection by assuring committee members that their review activities will not produce evidence for negligence actions instituted against a colleague whose records have been reviewed by such a committee. Again, it is to be noted, that this bill does not deprive the public of the primary medical record or institutional record pertaining to the care of the patient.

It has long been considered a useful practice in the education of Medical students to conduct conferences in teaching hospitals which doctors on the faculty attend. Pertinent "case histories" are presented for discussion in which faculty and students participate, and during which critical comments or differences of opinion may be expressed. This method of teaching is considered a useful part of education both to impart knowledge and to encourage critical evaluation. Such conferences are also conducted in hospitals to further post-graduate education of physicians not only in their internship and residency years, but throughout their years of medical practice. Only by the presentation of all opinions can the fullest value of such conferences be obtained with the aim of providing the best possible training for doctors toward the ultimate end of insuring good health care to patients.

The main thrust of H.R. 9769 is to promote the gathering of information and data to facilitate medical studies, research, education and optimal utilization of medical care facilities. Toward that ultimate goal it provides that:

1. Written reports, notes, records and other data of both review committees and teaching conferences shall not be admissible as evidence in any legal proceeding as noted in Sec. 3, of the bill.

2. No provider of such data to review committees and/or teaching conferences shall by reason thereof be subject to any action for damages.

3. No member of a review committee shall be deemed liable in damages to any person for any action taken within the scope of the functions of such committee so long as such action is without malice.

As pointed out earlier, this bill does not deprive the public of the primary medical record or institutional record pertaining to the care of the patient.

We thank the committee for the opportunity to present these views in support of Bill H.R. 9769, and we hope that the committee will give favorable consideration of the bill.

Senator TUNNEY. Do you believe these two bills for the blind (H.R. 11032 and S. 2646) go beyond what the council has enacted?

Mr. KUEMMERLING. I think essentially the relief granted in the bill, and the relief granted by way of resolution of the council are essentially the same.

However, I recognize the fact one has the force of an act of Congress, whereas the other is merely a proclamation by the city council, and for that reason, we do not strongly oppose the bill.

Senator TUNNEY. I think that you might know the committee has asked the medical community for certain submissions relating to H.R. 9769, which is the bill concerning the medical records and information, and so forth, so the committee will not be taking any action on this legislation until we have those submissions.

I personally strongly support the idea, the force of H.R. 11032, which is that bill modeled after the Model Cane Law. I think it is a good piece of legislation. I am surprised quite frankly there is a need for it.

I would hope there would not be a need for it, but human nature being what it is, I suppose we have to have laws of that kind, but I am all for it.

Do you have anything else?

Mr. KUEMMERLING. Nothing, Mr. Chairman.

Senator TUNNEY. Thank you very much.

Mr. KUEMMERLING. Thank you for the opportunity, Mr. Chairman.

Senator TUNNEY. Our next witness is Geoffrey Alprin, general counsel, District of Columbia Police Department.

STATEMENT OF GEOFFREY M. ALPRIN, GENERAL COUNSEL, METROPOLITAN POLICE DEPARTMENT

Mr. ALPRIN. It is a privilege to be afforded this opportunity to testify before this subcommittee in connection with H.R. 11773 and S. 9769, either of which would have the effect, if enacted into law, of removing from those records required by present law to be kept open for public inspection, certain personal information concerning individual police officers.

Presently, District of Columbia Code, sec. 4–134 (1967) requires that the Metropolitan Police Department maintain certain records, including general complaint files, records pertaining to stolen property, and arrest books containing important identifying information concerning every arrest made by a member of the department.

Also included in section 4–134 is subsection (3), which requires the maintenance of the following records:

> (3) A personnel record of each member of the Metropolitan Police Force, which shall contain his name and residence; the date and place of his birth; his marital status; the date he became a citizen, if foreign born; his age; his former occupation; and the dates of his employment and separation from office, together with the cause of the latter[.]

The personnel records concerning individual policemen, quoted above, are required to be kept "open to public inspection" pursuant to D.C. Code, sec. 4–135 (1967), and that requirement is enforceable by injunctive judicial relief.

The pending bills would delete the requirement of section 4–135 that such personnel records of individual police officers, maintained

pursuant to subsection (3) of section 4–134, be kept open for public inspection.

The Metropolitan Police Department supports these pending bills.

Our support is particularly directed to that part of the proposed legislation which would allow the department to remove current residence addresses of police officers from those records required to be kept open to the public.

We have been made aware of a number of unpleasant incidents in which persons with whom police officers have had official dealings have visited and, on occasion, harassed the officer and his family at his home during off-duty hours.

We can envision no conceivable necessity for subjecting the officer and his family to potential embarrassment and even danger, by maintaining his residence address as a public record, available to any person who wishes it.

Citizens and attorneys, of course, on occasion have quite valid purposes in seeking to contact a police officer.

Most of these contacts, however, can and should be made during on-duty hours at the officer's assigned duty station.

The present assignment of any officer of the department can readily be obtained by telephoning the department's personnel office.

If the officer is not then on duty, his next tour of duty can be obtained from his assigned unit.

Conceivably there might arise occasions when it is necessary, either for a citizen or an attorney, to contact an officer on an emergency basis during hours when the officer is not on duty.

For those occasions, the department's court liaison branch will assist by contacting the officer and requesting him to contact the citizen or attorney if the circumstances of the particular situation warrant.

Each of the pending bills, by removing home addresses from records required to be kept open to the public would eliminate much of the possibility that individual officers and their families might be contacted, harassed, and in some cases endangered by persons with whom the officer has had official contact.

Such incidents have occurred, although not frequently, in the past. In view of the ready access to officers that citizens and attorneys have during duty hours, the department can envision no need to subject officers and their families to such difficulties during off duty hours.

For these reasons, the department supports enactment of either of the pending bills.

Senator TUNNEY. Thank you very much, Mr. Alprin.

Can you tell me: Is it only the portion of the record that contains the address and the telephone number of the police officer that would be affected, or would everything that you quoted from in the first part of your statement, subsection (3) of section 4–134, be removed from public inspection, the place of birth, marriage status, and so forth?

Mr. ALPRIN. That is correct, under the bill that was passed by the House.

Senator TUNNEY. All of that would removed from the public record? Is that correct?

Mr. ALPRIN. That is right. The subsection 3 would be deleted as a record which must be kept open to public inspection as it stands now.

Senator TUNNEY. As a person who serves in public life, as a person

who has a private telephone number, because of that, I sympathize with the police officers. I think that this is good legislation. I think that a police officer is entitled to privacy, and that he should not be harassed by somebody he may have arrested by that person going down and getting his telephone number and address. Thank you very much.

Mr. ALPRIN. Thank you, Mr. Chairman. I appreciate the opportunity to be here.

Senator TUNNEY. The next witness is Mr. Thomas Bickford, Legislative Chairman of the National Federation of the Blind of the District of Columbia.

Mr. Bickford, you may proceed.

STATEMENT OF THOMAS BICKFORD, LEGISLATIVE CHAIRMAN, NATIONAL FEDERATION OF THE BLIND OF THE DISTRICT OF COLUMBIA

Mr. BICKFORD. Mr. Chairman, with me is Mr. James Doherty. Mr. John Jackson, and Mr. John Nagle who is our national representative. These gentlemen are with me.

We appreciate the opportunity to present this testimony. In the interest of time, I am going to summarize and paraphrase most of this testimony that I plan to present, which is printed as presented by the National Federation of the Blind.

We live in an age that emphasizes human rights. The National Federation of the Blind believe that blind people and otherwise physically disabled people have and should be allowed to exercise the same rights as our nondisabled fellows.

Among these rights we include the right of equal access to public places, the right of equal access to public facilities and conveyances, the right to be protected by law when walking on the streets and sidewalks, the right to be employed on the basis of equality, the right to rent housing that is offered to the public, and the right to know that when these rights are denied us, whether through ignorance or prejudice, we will be upheld by law.

Blind people have suffered from discriminatory practices in a full range of experiences, from situations as petty as denial of renting a safety deposit box in a bank to situations as serious as denial of protection of the law when injured in a traffic accident.

Every blind person who forsakes his rocking chair to make his own way in the world meets people who prejudge his ability to live a normal, independent life.

We insist on the right to succeed or fail because of our personal abilities or lack of them and that we should not be held back because other people believe that since we see nothing, we therefore can think and do nothing.

There are hundreds of thousands of arbitrary refusals of opportunities behind this bill. Each section of H.R. 11032 was deliberately included to open doors of opportunity that have been known to be closed to the blind.

The actual physical limitations resulting from the disability more often than not play little role in determining whether the physically disabled are allowed to move about and be in public places. Rather, the judgment, for the most part, re-

sults from a variety of considerations related to public attitudes, attitudes which not infrequently are quite erroneous and misconceived.

These include public imaginings about what the inherent physical limitations must be, public solicitude about the safety to be achieved by keeping the disabled out of harm's way, public feelings of protective care and custodial security, public doubts about why the disabled should want to be about anyway, and public aversion to the sight of them and the conspicuous reminder of their plight.

For our purposes, there is no way to judge these attitudes as to whether they do credit or discredit to the human head or heart. Our concern is with their existence and their consequences. To what extent do the legal right, the public approval and the physical capacity coincide? Does the law assure the physically disabled, to the degree that they are physically able to take advantage of it, the right to leave their institutions, asylums and the houses of their relatives? Once they emerge, must they remain on the front porch, or do they have the right to be in public places, to go about in the streets, sidewalks, roadways and highways, to ride upon trains, busses, airplanes and taxicabs, and to enter and receive goods and services in hotels, restaurants and other places of public accommodation?

If so, under what conditions? What are the standards of care and conduct, of risk and liability to which they are held and to which others are held in respect to them? Are the standards the same for them as they are for the able-bodied? Are there legal as well as physical adaptations, and to what extent and in what ways are these tied to concepts of custodialism or integrationism?

The above statement is a quote from "The Right to Live in the World: The Disabled in the Law of Torts," by Prof. Jacobus tenBroek.

The testimony presented today and the text of H.R. 11032 answer these questions.

Mr. Chairman, the National Federation of the Blind, believes that, in order to assure blind and otherwise physically disabled persons the rights to which they are entitled in the District of Columbia, H.R. 11032 must be enacted and enforced.

With or without a law, it would take diplomacy and persuasion to obtain the rights we claim. To the smiling face of diplomacy and persuasion we hope to add the strong arm of H.R. 11032.

I thank you.

Senator TUNNEY. Thank you very much, Mr. Bickford.

I was for the bill before your testimony, but I thought that your remarks were eloquent, and certainly reinforced my decision to vote for this legislation.

I want to thank you very much for coming here, for giving us the opportunity to listen to your very strong testimony.

I think that it is clear this legislation is needed, and as you have identified it, it is a shame it is needed.

It is a terrible thing to think we have to have a bill passed giving people rights they are entitled to as human beings, as members of this community and society.

Do any of your colleagues care to make a statement?

Mr. BICKFORD. Our statements are included in the written testimony which has been submitted for the record. Various examples of the type of discrimination we have suffered in the past are included in this. I would like to say there really is no comparison between the city council's resolution and this bill, as far as enforceability, because our bill does include the classification of such discrimination as a misdemeanor, and includes a penalty for it.

The resolution simply asks all the employers and owners of establishments and landlords and that sort of thing to observe these rights.

Senator TUNNEY. Fine. I appreciate your testimony. I note you indicate that a blind friend was prevented from riding on a certain vehicle in a California amusement park—was not admitted simply because the man felt that the vehicle was dangerous for a blind person. You also indicate since that time, California has enacted a white cane law similar to the one being proposed for the District of Columbia.

That is the sort of thing which I think that a person who is fortunate to have his vision does not readily believe happens. Yet it is happening all the time, every day, and worse indignities than that. The committee is most appreciative of your coming forward to give us the benefit of your time and unique experience.

Your prepared statement will be made a part of the record.

Thank you.

(The prepared statement follows:)

PREPARED STATEMENT OF THE NATIONAL FEDERATION OF THE BLIND OF THE DISTRICT OF COLUMBIA

PRESIDENTIAL STATEMENT

Mr. Chairman and members of the Committee: my name is Gale W. Conard. I am President of the National Federation of the Blind of the District of Columbia. The address of the National Federation of the Blind of the District of Columbia is 1346 Connecticut Avenue NW, Room 212, Washington, D.C. 20036.

Mr. Chairman, the National Federation of the Blind is a nationwide organization functioning on three levels: national, state and local. We have affiliated organizations in forty-three states and the District of Columbia.

The National Federation of the Blind is a blind people's movement, protesting conditions as they are for blind people, dedicated and determined to better these conditions, so that all who are blind may have a fair chance to live a normal life. Today, Mr. Chairman, the blind person *can* achieve a normal life, for techniques and devices have been developed, methods and systems have been created to minimize the handicapping circumstances of blindness.

But in spite of all this, Mr. Chairman, many blind persons fail to realize the full potential of their talents and abilities. They fall far short of their dreams and aspirations; for, far too often, whatever they strive to do, they encounter adverse public attitudes that bar their way, that equate blindness with utter helplessness, that insist that blind people are completely incompetent, that they are totally dependent.

We in the National Federation of the Blind are trying to change or eliminate these artificial barriers of ignorance, prejudice and discrimination. Since one way to bring about change is through legislation, we are here today urging your approval of our White Cane Law, H.R. 11032. Although we refer to this law as "The White Cane Law," it is much more than a traffic regulation for the benefit of blind people. The White Cane Law is, in fact, a "bill of rights" for other physically handicapped persons as well as for blind persons.

This group of proposals being offered for your consideration and approval is an effort to secure to the sightless and other disabled people the same rights and privileges so casually accepted and so freely exercised by the sighted and by physically fit people.

In H.R. 11032, the term "white cane" is used as a symbol of the freedom of movement blind people have gained by its use. Thus, it expresses the desire and the determination of all blind people, of all disabled people, to achieve self-dependent lives, lives of both fulfillment and failure—*fulfillment* achieved, not because of preferred considerations and special guarantees, but achieved because of natural ability and persistent effort; *failure* experienced, not because of false notions, unreasonable denials and prejudicial practices, but experienced because of our own lack of ability and insufficient effort.

H.R. 11032 would prohibit unreasonable discrimination against blind and other physically impaired persons in their use of public places and facilities, in their use of the streets and public ways, in their efforts to obtain housing and employment.

Mr. Chairman, on June 2, 1970, the D.C. City Council adopted a "White Cane Resolution." Although we appreciate this action, we want you to clearly under-

stand what we believe is needed. If the Resolution is merely a declaration of high purpose and intent, then it is not enough to accomplish what needs accomplishing.

We want this, Mr. Chairman:

If a blind man with a guide dog, or with a cane rather than a dog, is refused admission to a restaurant or theater or other public place or place that invites the general public to enter;

If a blind person is denied the use of public transportation or is struck down by a motor vehicle while crossing a street;

If a blind man, or a blind man and his wife, are not allowed to rent a place to live;

If a blind man is turned down for a job for which he is trained and qualified, turned down because he is blind and *only* because he is blind——

If any of these situations occur to or similar discriminatory actions are taken against a blind person in the District of Columbia, we want the action you take on the provisions of the White Cane Law to be so effective and so enforceable as law, that any aggrieved blind person or other disabled person can seek redress in the local courts for the wrongful acts against him.

Only if the Congress so acts on the White Cane Law that enforceable legal rights are recognized and obtainable legal remedies are provided—only if you so act on H.R. 11032, Mr. Chairman, will you assure the blind and physically impaired of the District of Columbia their right to freely exercise their basic rights of citizenship.

I thank you, Mr. Chairman, members of the Committee, for the opportunity you have given the National Federation of the blind of the Distict of Columbia to appear before you and present our views on the need for enactment of the legislation now pending before you.

Following me are other members of our District of Columbia organization who will discuss in some detail specific provisions of the White Cane Law, H.R. 11032.

I thank you.

SECTIONS I AND II—PUBLIC PLACES AND ACCOMMODATIONS

Mr. Chairman and members of the Committee, my name is George Reed. I am employed as a vending stand operator in the Randolph-Sheppard program of the District of Columbia. I manage the snack bar in the GAO Building.

I have been blind all of my life; and, at one time or another, I have been subjected to just about every form of discrimination that blind people are heir to. It may surprise you that blind people are heir to any discrimination at all—it very often does surprise people when I make this assertion for you will ask who could be so hard of heart or so callous of feeling as to practice discrimination against blind people. The answer is that such discrimination is not practiced by the hard of heart or the callous individual, but by the compassionate, well intentioned fellow who believes sincerely that he is in the best interest of the blind, for their protection and for their own good. In this belief, he often interferes with or denies the blind person's right to travel on public streets, roads and sidewalks; to visit and be served in places of public accommodation; and to make full, free and normal use of all such public facilities as are available without any question to all sighted people.

How does this happen? It happens because most sighted people have had few if any contacts with the blind. They know little or nothing of their true capacities or real capabilities. They judge the blind by their own inadequacies when they close their eyes, without taking into account the fact that necessity teaches blind people many things that are not dreamed of by those who see. They also judge the blind by a logic so superficial as to be amusing to those who really know the facts. And finally, they cannot help feeling that sight itself automatically makes them superior to the blind and, therefore, better able than the blind themselves to say what is good for the blind, what is dangerous to the blind, and what the blind can and cannot do.

I have a blind friend who was forcibly prevented from riding on a certain fun type vehicle in a California amusement park simply because the "man in charge" felt that the thing was dangerous for a blind person. Why was it dangerous? Hadn't it been adequately inspected? Wasn't it equipped with the necessary bars, handles, straps or whatever to insure safety to any and all passengers—even small children? Fortunately for my friend, California has already enacted the same kind of "white cane law" now being proposed for the District of

Columbia in H.R. 11032; and so, he was able to return the following day armed with a court order compelling the management to let him ride on whatever he pleased.

I have another blind friend who was refused a drink at a restaurant right here in the District. I can not prove conclusively that the refusal was the result of my friend's blindness; but it is an interesting fact that the sighted people in the party were served drinks and that all of them testified that my friend was neither disorderly nor unsteady enough for anyone to justifiably conclude that he had already had one too many. Therefore, it seems reasonable to assume that the "man in charge" had just decided that it was not good to serve alcohol to a blind person. Maybe he thought he was protecting both the blind person and the community.

Now let me tell you an experience of my own. It happened quite a few years ago, but the point it makes is still valid. One day in early December, almost without warning, an ice storm descended upon this city. It caught me—as it saught most working Washingtonians—far from home, doing the job I get paid for. In no time at all, it became clear that this storm was creating a bad situation for traffic and travel on the streets; so the word went out that all federal employees could go home. Needless to say, you didn't have to tell them twice. Well, since it was my job to serve them at my snack bar, when they left there was nothing for me to do but try to get home like the others. By that time, the buses, streetcars, and automobiles were only crawling along the slippery streets, and soon they became so hopelessly snarled that even the crawling had to cease. Almost everything was at a standstill. I decided that, if I wanted to get home at all, I would have to do what a whole lot of people were doing; that is, get out and walk. I descended from the streetcar, made my way to the sidewalk and pointed myself toward home. Just as I began my weary trek, I was accosted by a fellow pedestrian who wanted to know why I was on the street on such a day as that. "Don't you know you are a menace not only to yourself but to everyone else out here?"

"No, I don't," I said; "I am only trying to get home from work, which I suppose we all are doing."

He grumbled some more, but finally concluded reluctantly that he ought to help me anyway. I wanted to tell him that I didn't need his help, but I thought that would be discourteous. So I gritted my teeth and accepted the proffered assistance. Within a few seconds, the fellow lost his footing and clutched at me for support. I hate to say it, but I took evasive action and hurried off, leaving him lying prone upon the ground. I was secretly a little pleased at his mishap, feeling that it somehow vindicated me by proving that I was at least as good as he as far as taking care of myself on the ice was concerned. The occasion called for good legs rather than good eyes, and I was hoping that his little mishap had taught him that lesson.

I could go on and on with such instances and illustrations, but time is a limiting factor. Let us hope that you have seen already why a "white cane law" such as H.R. 11032 is necessary; why the blind need protection from their protectors; why they need the freedom to travel independently on public streets and sidewalks to and from their homes and places of employment; why they need equal access to public facilities and public places of accommodation. For upon all these rights depends the ultimate ability of the blind persons to earn a livelihood, to support a family, and to pay taxes to rather than require welfare from the government.

SECTION 3—VEHICLES

Mr. Chairman, members of the Committee, my name is Jim Doherty. I live at 2130 N St. NW, in the District.

As my colleagues have said and will say about other sections of this bill, we, the blind of the District of Columbia, are not asking for any special privilege under Section 3 of H.R. 11032. The drafters of this legislation have included this section to provide a statutory basis for what is actually a fundamental right that you, Mr. Chairman, the other members of this committee and the overwhelming majority of citizens take for granted; namely, the right to walk on the streets and sidewalks of this city.

If you asked who seeks to deny this right to the blind, we would answer that no one has yet dared to state categorically that blind persons must remain in their homes or at their work stations unless escorted by a person with sight. Yet the apparent attitude of many people, among them motorists, would indicate that such views are not uncommon. We seek, therefore, to secure, through H.R. 11032,

provable status of full citizenship for blind people with regard to their rights as pedestrians.

The District, Mr. Chairman, has had very few traffic accidents involving injury to blind people. However, I submit that this is due more to the skill of the blind pedestrians of the District than to the diligence of D.C. drivers. Many of us have had canes bent out of shape or have been bumped by drivers who wheel around a corner and into a crosswalk hoping to beat a light. Others have had literally to run for their lives to complete the crossing of a street because some driver could not wait an extra few seconds after a light changed. This is, of course, a violation of existing law, since under current regulations drivers are required to permit any pedestrian caught in a crosswalk by a changing light to complete the crossing "with safety and dignity," I think the phrase is.

Once, in another state, Mr. Chairman, a blind man was killed in a crosswalk by a car that did not wait. The driver was arrested, but, because the victim was blind, he received a sentence of only one hour's probation.

In other cases, blind plaintiffs have received better treatment. As long ago as 1909, an Indiana court held that a blind pedestrian and the car that struck him had the same right to the road and that the motorist had infringed the right of the pedestrian by, "negligently failing to pay proper attention to his presence on the highway."

In another instance, the Kansas City Court of Appeals ruled in favor of a blind person who was injured on the sidewalk by a car entering a gas station. Here again, the rights of the blind person, as well as the care he had exercised in using the sidewalk, were the determining factors.

These situations and precedents, Mr. Chairman, along with many others, were part of the planning that led to the drafting of Section 3 of H.R. 11032. This section clearly defines the rights and responsibilities of both blind pedestrians and motorists, without placing undue requirements on either.

This, Mr. Chairman, is what the National Federation of the Blind of the District of Columbia hopes to achieve through the enactment of H.R. 11032: that blind and physically impaired persons be guaranteed their full rights and privileges as citizens of the District of Columbia. Under Section 3, we seek a guarantee of our rights as pedestrians in this city, declaring at the same time that these rights are the same—no more but certainly no less—than those guaranteed every other pedestrian in this city.

I thank you.

SECTION IV—EMPLOYMENT

Mr. Chairman, members of the Committee, my name is Roger Petersen. I am a research psychologist at the National Bureau of Standards. I wish to discuss Section IV of H.R. 11032.

Two contrasting kinds of data may be cited in support of the need for this section: First, one may examine a list of the occupations of some of my blind personal acquaintances; and then, this list may be compared with some evidence for the continuing prevalence of the traditional public attitudes toward blindness, which hold that it is synonymous with helplessness, and that there is really no job that a blind person can do as well as a sighted person.

Among my blind friends are included the following: an actuary with the Social Security Administration; a journalist working as an Information Specialist with OEO; a graduate teaching fellow in library science at the University of Pittsburgh; a high school English teacher in a parochial school in Baltimore; an electrical engineer at Collins Radio Co. in Cedar Rapids, Iowa; a medical secretary at the Veterans' Administration here in Washington; a Russian language specialist at the National Security Agency; an attorney at the Federal Communications Commission; a computer programmer for the Department of the Army; a personnel management expert with a management consulting firm in Chicago; and a VISTA Volunteer in Galveston, Texas.

On the other hand, I am also acquainted with the following people: a man who has found it necessary to engage the city of Chicago in litigation in order to be considered for a position for which he is qualified as a social case worker; a man who had to threaten litigation in order to be allowed to take a city civil service examination in Minneapolis; (He passed the examination and got the job as a computer programmer.); a graduate of an electronics school who was forced to bring the Federal Communications Commission into court before she was permitted to take the examination for a First Class Radio-telephone License, a license which is necessary for engineering jobs in radio and television; a

teacher in the Baltimore public schools who was forced to retire against his will when he lost his sight; numerous college students in many fields who have been refused the opportunity to pursue their chosen courses of study, and literally countless qualified school teachers at all levels from kindergarten through college who have been refused equal consideration for teaching positions, even though there are hundreds of blind teachers working in ordinary classroom settings throughout the country. I also have received similar treatment in a number of instances by D.C. Government agencies, as well as other potential employers, both public and private. All of these are instances of unreasonable and detrimental classification of blind people on the sole ground of their blindness and are therefore acts of discrimination.

Mr. Chairman, the commonly held misconceptions about blindness make it extremely difficult for a blind person to receive reasonable consideration on the basis of his qualifications when he applies for a job. He must somehow prove to the interviewer that he can handle the job "in spite of his handicap" even though the interviewer may not believe that a blind person can tie his own shoes. The interviewer very often confronts the blind applicant with hypothetical situations which "might come up" in the course of the job, challenging the blind person to tell him how he would handle such situations, thus placing the blind applicant in the impossible position of describing in minute detail hypothetical solutions to hypothetical problems pertaining to a job with which the interviewer is presumably much more familiar than is the applicant.

Sometimes interviewers do not waste time with such academic arguments. Sometimes an interviewer is honest enough to simply say, "I have been with this agency for twenty years, and I know that eyesight is absolutely necessary for the job you want, so there is no need to discuss it further."

In neither of these types of interview does the blind applicant have a real opportunity to demonstate his capabilities relative to the job for which he is applying. The only argument which is at all likely to make an impression on the interviewer is the presentation of either personal experience in a similar job or lists of other blind people doing the same kind of work. But, for the very reasons I have discussed here, there are relatively few blind people in any given occupation, and the blind job hunter finds himself very often in the situation of blazing new vocational trails for the blind.

Section IV of H.R. 11032 would not only make it District Government policy that blind and otherwise handicapped persons shall be considered for employment on their individual merits, but it also would place the burden of proof where it properly belongs; i.e., if an agency wished to deny an applicant normal consideration for employment on the grounds of blindness or other physical handicap, the agency would be required to demonstrate that the handicap prevents the person from performing the duties of the job.

Mr. Chairman, we of the National Federation of the Blind believe that we are just like everyone else except that we cannot see. We also believe that there are only a very limited number of jobs which actually require eyesight. We therefore believe that a blind person, properly trained, can do almost any job as well as a similarly qualified sighted person. Thus, in general, whether a blind person is well suited for a particular job depends on precisely the same things which determine whether a sighted person is well suited for the same job: his talents, interests, training, experience, etc. We believe that the reason blind people are not participating fully in the economic life of their communities is not the physical disability of blindness, but the social handicap of blindness, traceable to the mistaken public attitudes of which I have spoken. Thus, we see ourselves as a discriminated-against minority group seeking civil rights legislation, just as other groups similarly situated have done.

Thank you, Mr. Chairman.

SECTION V—EQUAL ACCESS TO HOUSING

Mr. Chairman and members of the Committee, my name is John R. Jackson. I reside at 1331 Emerson St. NW. I am employed as a Braille Music Specialist at the Division for the Blind and Physically Handicapped, Library of Congress. I would like you to consider Section V of H.R. 11032, Equal Access to Housing.

It is not uncommon for a blind or otherwise physically handicapped individual to meet with difficulties in securing housing. Invariably, the obstacle takes the form of a reluctant landlord who must somehow be convinced that the blind person is capable of taking care of himself and maintaining a place of residence.

Too often, the proprietor does not yield to reason, and the blind person is denied housing. Let us consider some actual examples.

A blind woman went to an apartment building and spoke with the superintendent about renting an apartment. Initially, she was informed that her application would be accepted. However, she was later notified by telephone that, on second consideration, the management had decided that there would be too great a risk involved in accepting a blind tenant. The woman argued that such a decision was discriminatory. After considerable effort, she was able to persuade the management to reverse its position and agree to rent her the apartment.

In another instance, a blind man was refused an apartment by a landlady who cited as her reason for refusing the applicant the fact that he would have to negotiate a flight of stairs on his way to and from the apartment. The man was quick to point out that he had just climbed one flight of stairs on his way into the building. However, all attempts to persuade the landlady were in vain.

This kind of attitude is typical of that reported by blind persons who have difficulty in securing housing. In another case, the landlord gave as his only reason for refusing a blind applicant that the denial was in the tenant's best interest.

Some landlords are less direct than those in the above cases. One man and his wife-to-be were interviewed by a reluctant manager who asked such questions as whether either of them smoked and whether the finance planned to do her own cooking. They were subsequently refused the apartment though the newspaper ad to which they had responded continued to run. As there were no channels through which to seek legal redress, the couple was forced to drop the issue.

Sometimes, users of dog guides are faced with difficulty in securing housing. On this point, I would like to cite a personal experience. Several years ago, while attending college, I applied for a room in a private dormitory. In the initial interview by telephone, I informed the secretary that I used a dog guide and asked whether the animal would be permitted to live with me in the building. She indicated that there would be no objection to such an arrangement. However, on arriving at the dormitory, I was told that the resident manager had reconsidered the matter and decided that the arrangement would not be agreeable. At the time, I was not accepted. Several months later, I applied again to the same dormitory, and the dog and I were admitted without difficulty. No reason was ever given for the change of decision.

I was also involved in a case of a slightly different nature in which the National Federation of the Blind played a prominent role. Not too long ago, I had great difficulty in obtaining a room at a local men's residence. The desk clerk reluctantly assigned me a room, complaining all the while that the building did not have adequate facilities for housing blind persons, that I would be liable to accident, or that, should a fire break out, I would surely be trapped in the building. Several months later, I brought my experience to the attention of the Federation, and a meeting was arranged with officials of the establishment in question. They informed us that the incident had never come to their attention and made further assurances that such attitudes did not reflect building policy. As a result of this dialogue, all appropriate personnel were notified that the policy of the establishment was to admit blind persons without restrictions, in the same manner as sighted tenants. This was a small but significant contribution in the fight to secure equal access to housing for the blind in the District of Columbia.

The previous examples show that in those instances where landlords openly state their objections to renting to a blind tenant the applicant is usually given one of three reasons: 1. that the building is not equipped with special facilities for housing blind persons; 2. that tenants are not permitted, for any reason, to have dogs or other animals in the building; and 3. that blind persons are more liable to incur accidents than are sighted persons; therefore, renting to a blind tenant would be unsafe.

Mr. Chairman, because I believe that these criteria reflect basic public attitudes toward blindness, I would like to attempt to shed some light on what I feel are the reasons behind such attitudes.

Perhaps the argument which most typifies the public misunderstanding of blindness is the notion that a blind person cannot safely utilize normal housing accommodations. Many sighted people are simply unable to comprehend that it is possible to climb stairways, deal with routine obstacles, even maintain an apartment or home without sight. Yet, for the mobile blind person, such things are an accepted part of his life style. Many of my blind friends either own their

own homes or rent apartments for which they personally provide the upkeep. I have also maintained an apartment and, when traveling, have frequently utilized such public accommodations as hotels with no difficulty. As a blind person, I do not expect special treatment or facilities, only the right to have access to the same conveniences offered to the general public.

When a landlord refuses to rent to a blind applicant, he often states that his decision is in the tenant's best interest. I suggest that such decisions are born of ignorance and fear of the unknown and, as such, reflect the feeling of the general public which, with every well-meaning intention, believes that blindness is synonymous with helplessness.

For many blind persons, the use of a dog guide is both a necessity and a way of life. Several states, including Maryland, Illinois, Maine, Iowa and Idaho, have enacted legislation to prohibit the exclusion of such animals from housing generally offered for rental and other forms of public accommodation. However, in states without such laws, blind people have no recourse in dealing with establishments which are unwilling to conform to the growing trend toward acceptance.

The dog guide and master are trained to function as a single unit. Usually, such dogs are well disciplined and do not damage property or cause undue disturbance. In other words, the dog guide is trained specifically to live and function in the same environment as the person with whom it works. Therefore, both are entitled to equal access to housing. To deny the dog is to deny the master; and to do this is to threaten the blind person's security and independence.

On the surface, the argument that blind persons are more subject to accidents than the so-called "normal" person may appear to be the most plausible of the three reasons. It seems logical to many that blindness would render an individual more susceptible to accidents on stairways, while using a heated appliance or even to being trapped inside a burning building. A few points may provide a new insight into this widely held misconception.

For a blind person, the key to survival is mobility. He learns to use other forms of sensory awareness to compensate for his lack of physical vision, to rely on his judgment in travel—often with more success than his sighted counterparts. In short, his seeing liability becomes a valuable asset in that it forces him to be more aware of his actions in crossing streets, climbing stairs or utilizing other facilities. This is part of the adjustment necessary to functioning safely in a sight-oriented world.

Consequently, his chances of sustaining an accident are no more or less than those of a sighted person who, because he depends so heavily on vision, is likely to pay no special heed to the same routine encounters. Each of us has seen some blind people who travel with great difficulty and others who are at ease and secure in their mobility. Although degrees of competence may be less apparent with sighted persons, one need only look at the great number of routine pedestrian accidents to realize that the same variation exists among them. Therefore, the only valid generalization is that susceptibility to accidents depends not on whether we are blind or sighted but whether we are careful or careless in our actions.

Insurance companies are among the loudest exponents of the accident fallacy. Though many extend accident policies to their blind clients, many more refuse to do so, claiming that blindness constitutes a "substandard risk." Yet, a check with the actuarial departments of five of the nation's largest insurance firms failed to uncover any statistical evidence to support such a claim.

Mr. Chairman, it is my firm belief and a basic tenet of the National Federation of the Blind that blind and otherwise physically handicapped persons are entitled to the same rights accorded to their sighted counterparts. Further, we hold that the blind and physically handicapped are fully capable of accepting the responsibilities inherent in such rights. In a democratic society, this should be an accepted reality. Yet, the cases and arguments cited in this testimony clearly indicate that such is often not the case in the area of publicly available housing. At present, in the District of Columbia, each blind person must fight his own battle to secure housing, appealing to the reason of reluctant landlords. If such landlords refuse to be persuaded, even when the blind person has demonstrated his independence, then the time has come to enact H.R. 11032, to insure equal access to housing for the blind and physically handicapped of this city.

Mr. Chairman, this concludes my prepared testimony.

SUMMARY AND CONCLUSION

Mr. Chairman, members of the Committee, my name is Thomas Bickford. I am legislative chairman of the National Federation of the Blind of the District of Columbia.

We live in an age that emphasizes human rights. The National Federation of the Blind believes that blind people and otherwise physically disabled people have and should be allowed to exercise the same rights as our non-disabled fellows. Among these rights we include the right of equal access to public places, the right of equal access to public facilities and conveyances, the right to be protected by law when walking on the streets and sidewalks, the right to be employed on the basis of equality, the right to rent housing that is offered to the public and the right to know that when these rights are denied us, whether through ignorance or prejudice, we will be upheld by law.

Blind people have suffered from discriminatory practices in a full range of experiences, from situations as petty as denial of renting a safety deposit box in a bank to situations as serious as denial of protection of the law when injured in a traffic accident.

Every blind person who forsakes his rocking chair to make his own way in the world meets people who prejudge his ability to live a normal independent life. We insist on the right to succeed or fail because of our personal abilities or lack of them and that we should not be held back because other people believe that since we see nothing we therefore can think and do nothing. There are hundreds of thousands of arbitrary refusals of opportunities behind this bill. Each section of H.R. 11032 was deliberately included to open doors of opportunity that have been known to be closed to the blind.

"The actual physical limitations resulting from the disability more often than not play little role in determining whether the physically disabled are allowed to move about and be in public places. Rather, the judgment, for the most part, results from a variety of considerations related to public attitudes, attitudes which not infrequently are quite erroneous and misconceived. These include public imaginings about what the inherent physical limitations must be, public solicitude about the safety to be achieved by keeping the disabled out of harm's way, public feelings of protective care and custodial security, public doubts about why the disabled should want to be about anyway, and public aversion to the sight of them and the conspicuous reminder of their plight.

"For our purposes, there is no way to judge these attitudes as to whether they do credit or discredit to the human head or heart. Our concern is with their existence and their consequences. To what extent do the legal right, the public approval and the physical capacity coincide? Does the law assure the physically disabled, to the degree that they are physically able to take advantage of it, the right to leave their institutions, asylums and the houses of their relatives? Once they emerge, must they remain on the front porch, or do they have the right to be in public places, to go about in the streets, sidewalks, roadways and highways, to ride upon trains, busses, airplanes and taxicabs, and to enter and receive goods and services in hotels, restaurants and other places of public accommodation? If so, under what conditions? What are the standards of care and conduct, of risk and liability to which they are held and to which others are held in respect to them? Are the standards the same for them as they are for the able bodied? Are there legal as well as physical adaptations, and to what extent and in what ways are these tied to concepts of custodialism or integrationism?" [1]

The testimony presented today and the text of H.R. 11032 answer these questions.

Mr. Chairman, The National Federation of the Blind believes that, in order to assure blind and otherwise physically disabled persons the rights to which they are entitled in the District of Columbia, H.R. 11032 must be enacted and enforced. With or without a law, it would take diplomacy and persuasion to obtain the rights we claim. To the smiling face of diplomacy and persuasion we hope to add the strong arm of H.R. 11032.

I thank you.

Senator TUNNEY. Our next witness is Garland Dowling, American Council of the Blind, Washington, D.C.

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[1] From *The Right to Live in the World: The Disabled in the Law of Torts,* by Professor Jacobus tenBroek.

STATEMENT OF GARLAND DOWLING, AMERICAN COUNCIL OF THE BLIND, WASHINGTON, D.C.

Mr. DOWLING. Mr. Chairman, the American Council of the Blind supports both bills.

There are some amendments we would like to see.

On S. 2646, we recognize the right of an owner or manager to request a dog owner to use a muzzle.

We do not think that it should be mandatory in the law. We would prefer it be permissive. The reasons are that muzzles annoy dogs. The SPCA will be after you, and interestingly enough, the public when they see a dog muzzled, immediately think it is vicious.

The primary reasons, however, is that this would just afford the owner or manager of a restaurant or other place to exercise his prejudice.

H.R. 11032 we heartily support. We think that there may be some ambiguity in section 3 of that bill, which requires a motorist to exercise reasonable caution.

We think that that is so vague it could possibly be declared unconstitutional, and we would recommend that the motorist be required to come to a complete stop and then exercise whatever caution may be required.

I would like to add that if I were given to outrage, I would be, because what H.R. 11032 asks for is an opportunity to work, and an opportunity to use facilities for which we pay taxes. I cannot really quite adjust to the fact that I have to be here to ask the Congress of the United States for what ought to be my birthright.

Thank you.

Senator TUNNEY. Thank you very much, Mr. Dowling.

I could not agree with you more.

We will take under consideration the proposals that you made. I cannot think of any reason why it should not be incorporated in the bill. Motorists would have to come to a complete stop and then proceed with caution if he sees someone in the road ahead of him who has a white cane. I think it probably ought to be incorporated into the code that a person who has a white cane, because otherwise it is difficult for a motorist to realize who is blind and who is not.

I thank you very much for your statement.

Mr. DOWLING. Thank you.

Senator TUNNEY. Our next witness is Gen. Robert D. Upp. president of the Reserve Officers' Association.

STATEMENT OF GEN. ROBERT D. UPP, PRESIDENT, RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

General UPP. Colonel John T. Carlton, the executive director of the Reserve Officers' Association of the United States, and I, the national president of the association, consider it a great privilege to be permitted to appear before you today to discuss with you the provisions of H.R. 456, which, if enacted, would provide our association and its 70,000 members the same form of tax relief already provided by congressional waiver to some 44 other organizations located here in the District of Columbia.

In brief, we are asking you to correct an injustice. While we seek to make no comparisons, we firmly believe that the merits of our case are as strong as those for any other organization which has been granted such tax relief.

In 1950, Public Law 595 of the 81st Congress, chartered our association, after noting our prior 28 year's service in support of national defense, and mandated the association to support a military policy for the United States that would provide adequate security.

I might add parenthetically, without adequate security, religious, educational, and charitable pursuits might not be pursued.

In the true sense, our association is a creature of the Congress, charged with a mission of highest national priority. The Congress has carefully circumscribed our activity, our rights, and our authority.

We are prohibited from participating in partisan or personal political campaigns and from supporting issues not related to "adequate military security." In our charter, the Congress has forbidden us to "engage in business for pecuniary profit or gain."

We have no corporate sustaining memberships nor private sources of outside contributions. Our only source of revenue consists of the small annual dues paid by our membership, and our membership is limited to those who have been commissioned officers or warrant officers in the armed services of the United States.

We cite this background of our association to emphasize, Mr. Chairman, that our objective is solely that of the national safety, and that for a half century now we have pursued this high goal, as a private citizens organization, requiring no public moneys, nor asking for any privilege save that of serving our entire Nation, that its freedom may continue secure.

Now, Mr. Chairman and members of the committee, in this year—50 years, our association has proudly fulfilled its citizens' role in the District of Columbia by contributing to the economy of the community and by paying taxes on the business we do in the District.

The location of our association's national headquarters in the Nation's Capital draws thousands of additional visitors here, making significant contributions to the thriving tourism in the city.

Mr. Chairman, in one conference alone, our association draws to Washington each February, as near as we can schedule it to Washington's birth anniversary, over 2,000 visitors, who spend in one hotel an annual amount in excess of $150,000.

At our formal banquet and luncheons in 1971, we paid through a Washington hotel a sales tax of $1,633.48 to the District of Columbia, and in keeping with inflation, this tax in 1972 amounted to $1,806.39 in 1 day alone paid through this one District of Columbia institution.

In 1967 our association built, and, on the 22nd of February in 1968 occupied, a nationally significant memorial building, which produces no income, and less than half of this floor space is used for office space, the first floor and top floor are both memorials.

This building, which produces no income, is dedicated to the Nation's military traditions; its purpose is to keep alive in the consciences of Americans their responsibility to serve their Nation which through its responsive and responsible government, safeguards their freedoms.

This is the Minuteman Memorial Building. It is located at First and Constitution Avenue NE., across the street from the New Senate Office Building, facing the Capitol Building.

When we moved into our new national headquarters, in the Minuteman Memorial Building, it became apparent that our resources, from our operating funds provided by dues paid by our members, were not sufficient to take on the additional burden of real estate taxes.

We were grateful that the Hon. Robert L. F. Sikes and many other Members of both House and Senate with whom we discussed our problem, agreed that we were justified in asking for the tax relief proposed in this bill, and we were encouraged that, based upon actions regarding other cases which are not more worthy, the Congress could be expected to give us relief, and that the House of Representatives did pass H.R. 456.

The amount of the annual taxation is large and burdensome to ROA; it is relatively insignificant in comparison to funds appropriated by the Congress to the District of Columbia government.

There is, of course, involved in the bill before you the principle of equal and fair play. As long as the law provides that the Congress shall make exceptions, we believe our association should be given the same consideration as 44 others.

I might add the American Legion, AmVets, Jewish War Veterans, National Guard Association, Veterans of Foreign Wars, all enjoy this special exemption.

Above all other considerations, Mr. Chairman, we believe the Capital City of the United States of America is the last place where this discrimination against one group should be allowed to continue. We believe strongly in the justice of our case, and sincerely hope you will support fully H.R. 456.

Thank you for permitting us to make this presentation.

Senator TUNNEY. Thank you very much.

I can see that in the very short time that you have been national president, you are fighting hard to protect the interest of your membership, and I want to congratulate you, first on being elected president.

General UPP. Thank you.

Senator TUNNEY. And, second, on your fine statement here today.

The committee, as you know, has had the opportunity to hear the position of the District of Columbia this morning.

I believe you were in the room when the District made their position clear that they oppose any further special exemptions. It does not make any difference which ones they are, on the grounds that they feel that the tax base of the District of Columbia is small enough as it is, and that there is an inadequate revenue. Therefore, they just do not want to take any more property or buildings off the tax rolls.

Do you believe, if the Congress gives a special exemption to your association, that it should at the same time increase the amount of money that it authorizes and appropriates to the District of Columbia for the maintenance of the government?

General UPP. I believe that the Congress should appropriate for the District whatever it needs to meet its purpose.

I only think you should not single out individual exemptions on a pro rata or an item-for-item basis. As one of the prior witnesses said this morning, because of the election year, we would hate to see this bill go back to conference for this type of amendment. It might kill it.

Senator TUNNEY. Thank you, gentlemen.

We really appreciate your testimony.

General UPP. Thank you, Mr. Chairman.

Senator TUNNEY. Our next witness is Sgt. Everett L. Cooper, President, Policemen's Association of the District of Columbia.

STATEMENT OF SGT. EVERETT L. COOPER, PRESIDENT, POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA

Sergeant COOPER. Mr. Chairman, with me, as you have stated, is Sergeant Dunphy, Chairman of the Legislative Committee of the Policemen's Association of the District of Columbia, and we feel it is a privilege to testify before you this morning to recommend the adoption of H.R. 11773.

Before doing so, I would like to state that I have the statement of Robert D. Gordon, Executive Director of the International Conference of Police Associations, who had to go unexpectedly to California this morning. I have his statement to submit.

Senator TUNNEY. It is a good place to go.

Sergeant COOPER. Before testifying, I would like also on behalf of the members of the Policemen's Association, to you, and through you, to thank the members of your committee for the consideration given our policemen in H.R. 15580.

I would like to pay special tribute to Mr. Robert Washington and Mr. Earl Butt, who we understand composed the report, and we think did an excellent job.

Senator TUNNEY. Your compliments will be duly noted.

Sergeant COOPER. Thank you very much, Mr. Chairman.

For the record, my name is Everett L. Cooper. I am a Detective Sergeant with the Metropolitan Police Department and the President of the Policemen's Association of the District of Columbia, which includes in its membership the Metropolitan Police, the U.S. Park Police, and the Executive Protective Service.

The Policemen's Association of the District of Columbia hereby endorses the bill introduced by Congressman Jacobs, H.R. 11773, which has for its purpose the exclusion from public inspection the personnel record of each member of the Metropolitan Police Department now required to be kept under section 134(3) of title 4, District of Columbia Code.

Personnel records of law enforcement officers, by reason of the very nature of their employment, should not be open to public scrutiny. Their day-to-day duties involve coming into contact with citizens of every type and description, many good and lawabiding, some dangerous and criminal.

A policeman is subject to abuse and violence in face-to-face confrontation with members of the public. To compound this, by permitting the public to obtain personal information about the officers, including their address, phone number, marital status, and so forth, subjects them to the possibility of harassment, acts of reprisal, and fear of personal violence to themselves and members of their families.

Experience teaches us that many of our policemen and their families have been harassed by anonymous phone calls to their homes and by acts involving the person and property of the men involved.

Fear of reprisal, acts of violence, or even of simple anonymous phone calls are detrimental to the morale of a police department. Any

benefit arising from a public disclosure of personal information about a law enforcement officer is outweighed by the detriment flowing therefrom.

Certainly, no one would contend that the personnel files of the agents of the Federal Bureau of Investigation, Secret Service, or Treasury Agents should be available to every suspect. There is no more reason to open such similar files in the case of the Metropolitan Police Department, the U.S. Park Police, and the Executive Protective Service.

For one to be an effective police officer, one must have peace of mind for his own safety and that of members of his family. Effectiveness can be destroyed by reprisal or intimidation.

We, therefore, believe that the purpose and intent of this bill is good and in conclusion we feel that the deletion of section 134(3) of title 4, District of Columbia Code, as referred to in section 135, title 4, District of Columbia Code, will accomplish the intent and purpose of this bill.

Senator TUNNEY. Thank you very much, Sergeant Cooper.

I appreciate the act you have come to make known to the committee your support of this legislation.

If you were in the hearing room earlier, you would have heard me state I personally support the bill.

I see no reason why we should be unable to get it through this committee very quickly. Thank you very much.

(The prepared statement of Robert D. Gordan, executive director, International Conference of Police Associations, follows:)

PREPARED STATEMENT OF ROBERT D. GORDON, EXECUTIVE DIRECTOR, INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS

Mr. Chairman, members of the committee: For the records, my name is Robert D. Gordon. I am the executive director of the International Conference of Police Associations with offices here in Washington, D.C. My association represents over 150,000 police officers in the United States and Canada and included in its membership are the metropolitan police, the Executive Protective Service and the United States Park Police.

The Internaional Conference of Police Associations fully endorses bills introduced by Congressman Jacobs, H.R. 11773 and H.R. 11740, which excludes for public inspection the records of members of the aforementioned police departments now required to be kept under section 134(3) of title 4, D.C. Code.

This association is indeed shocked to learn that here in the Nation's Capitol, where laws are made to protect the rights of citizens, police officers of this city have to seek this type of legislation. I am sure you gentlemen are just as opposed to having your addresses, telephone number, marital status, etc. published in the press, on television and other forms of news media.

I have just retired from the Freeport, N.Y., Police Department after serving 20 years with that department; and and I can assure you in all of that time in the New York Metropolitan area, I have never heard where any police department released this information to anyone except a county, State or Federal agency after a proper request was made. Judges, jurors, district attorneys and other law enforcement agencies already mentioned by Sergeant Cooper, do not release this information as it serves no purpose except harassment and indecent telephone calls all hours of the day and night by violators of the law. We all cherish the right of privacy in our homes in this country and our police officers cannot and should not be given second-class citizenship.

Several cases here in Washington have already shown that the families of police officers who have made outstanding arrests have been forced to change their telephone numbers, and in some cases were forced to move because of the harassing telephone calls. For these two reasons alone, the International Conference of Police Associations believes that the deletion of section 135 of title 4, D.C. Code will accomplish the intent and purpose of these bills.

Senator TUNNEY. The next witness is John D. Zimmerman, president, National Firefighting Museum and Center for Fire Prevention, Inc., accompanied by James G. Aldige, professional fund raiser, Hugh A. Groves, retired chief, District of Columbia Fire Department, Peter J. Dawson, attorney, and Susan H. Dawson, attorney.

STATEMENT OF JOHN D. ZIMMERMAN, PRESIDENT, NATIONAL FIREFIGHTING MUSEUM AND CENTER FOR FIRE PREVENTION, INC.

Mr. ZIMMERMAN. Good morning, Senator Tunney.

My name is John D. Zimmerman, Jr., president of the National Firefighting Museum and Center for Fire Prevention, Inc.

On my right is Chief Hugh A. Groves, recently retired chief of the District of Columbia Fire Department, and Mr. James G. Aldige III, a professional fund raiser. At my far right and left are our corporate attorneys, Mrs. Susan H. Dawson and Mr. Peter L. Dawson.

I will begin by asking that as our testimony proceeds, you allow submission for the record of certain documents, already handed to the recorder of this committee.

We have come here today to ask that this committee report favorably on the legislation before you, either S. 3530 introduced by Mr. Beall and cosponsored by Mr. Mathias and Mr. Magnuson, or H.R. 2895 as passed by the House of Representatives on April 24 of this year.

We will devote our testimony to showing that the objections of the District of Columbia government to this legislation are pro forma, and that certain of their positions are untenable.

In a letter to Senator Eagleton, dated July 20, 1972, the District of Columbia government, "based on the District's acute need for revenues" offers to sell the real property described in the legislation at the fair market value, to our corporation, and in doing so would be willing to "forgo the advantages of selling the property through normal competitive bidding procedures to the highest bidder."

Senator TUNNEY. That letter has already been placed in the record.[1]

Mr. ZIMMERMAN. In the first instance, the District's acute financial position, like many other municipalities, is hardly a recent phenomenon, so we wonder why no attempt has been made by them to realize revenue through sale prior to the introduction of this legislation.

The property was, after all, declared surplus in 1946, inefficiently used for the following 13-year period, and for the past 14 years has been unused and empty, except as a rubbish dump, and shelter for indigent alcoholics and pigeons.

I have a clipping from the Washington Post which I would like to place in the record.

Senator TUNNEY. It will be received.

(The clipping follows:)

[From the Washington Post, Oct. 10, 1946]

GEORGETOWN FIREHOUSE ENDS 129 YEARS OF PUBLIC SERVICE

Firehouse No. 5—one time "town hall of George Town"—has ended 129 years of public service to the city.

[1] See p. 33.

The three-story brick firehouse at 3214 M st. nw., was entered on the District's "surplus" list yesterday, it was learned, with the brief pronouncement from Fire Chief Clement Murphy that No. 5 is "now completely empty."

The building's last years were far from glorious—nothing like the night of 1905 when No. 5's engines responded so gallantly to the great Baltimore fire.

Since 1941, when the District Fire Department was reorganized, old No. 5 had been relegated to a storage house for reserve equipment. But now the well-preserved building isn't even needed for overflow purposes.

What will become of this familiar landmark to students of Georgetownania is presently uncertain, District Survey Officer Paul Chalupsky, indicated last night.

"It will either be leased to some Government agency or the Commissioners will put it up for sale," he said. The building, which was built in 1817 "for use as a town hall" and purchased by the "Mayor, Recorder, Aldermen and Common Council of George Town" for $2500, is valued today at $50,000, according to Chalupsky.

City affairs of the then busy seaport of Georgetown were dispatched from 3214 M st. until 1871—then to be ended only by the separate governments of both Washington and Georgetown.

Twelve years later an $8000 District-financed face-lifting converted the "town hall" into one of the fire department's first and most active engine houses—a role which it held through the years.

Mr. ZIMMERMAN. The District government has in effect had 26 years in which to dispose of this "valuable real property" and has not done so.

As for the District's willingness to forgo the advantages of competitive bidding, whatever advantage the District had in mind would quickly disappear when a potential commercial buyer discovered that the building located on the valuable real property is listed on the National Register of Historic Places, the Historic American Buildings Survey, as well as falling under the protection of the Georgetown Act and the Preservation Act of 1966.

From a business standpoint, it would be folly to purchase the land under a building, itself commercially worthless, when in order to tear down the structure one would court the possibility of years of litigation by others to prevent its destruction.

We will spare you a lengthy history of the buildings at this time and instead submit a series of documents which relate directly to its unequaled past.

Senator TUNNEY. They will be placed in the record.

(The documents follow:)

A HISTORY

John D. Zimmerman, Jr. is President of the National Firefighting Museum, a Washington based, non-profit organization, that is deeply involved in fighting to preserve the 1796 structure on M Street which once housed George Washington's bank, our first Bureau of Indian Affairs, and Georgetown City Hall. Mr. Zimmerman herewith gives the history of the existing structure and tells what we can do to help save it.

While attention has of late been focused on the disposition of 1220 Wisconsin Avenue, another eighteenth century Georgetown building is quietly and rapidly deteriorating with little attention from an interested citizenry.

It is felt that if public attention is drawn to this structure now, preservation may be accomplished before the property is sold to the highest bidder, for purposes yet unknown.

Built on original Georgetown lot 47, chartered by an act of the Maryland General Assembly in 1793, The Bank of Columbia was erected in 1796, slightly earlier than its neighbor, The City Tavern.

With capital of nearly one million dollars the bank rapidly became an important financial institution in the new capital city. George Washington was a director and stockholder here, and is known to have made frequent visits to the building during the last few years of his life. Georgetowner Samuel Blodgett was the bank's first president; George Mason of Analostin Island, the second.

Around 1805, the bank moved to M and Bank St., N.W. (Colonial Esso's service station now occupies the site), and The Bureau of Indian

Trade occupied the bank building.

As an agency of the federal government, the bureau was responsible for the vast American fur trade as well as being an instrument of Indian policy.

The United States in the early nineteenth-century was still apprehensive with regard to the many tribes occupying lands yet unexploited, and developed a system whereby militant chiefs and warriors were brought to Washington to meet their "Great Father" the president, and to be impressed by "civilization" and the size of our army!

Thomas L. McKenny of Georgetown, was Superintendent of Indian Trade in 1816 and it was he who started Washington's first museum. In addition to collecting Indian artifacts from his trading posts for display at the Bureau, McKenny commissionned Charles B. King, a Washington artist to paint portraits of the visiting warriors. The portrait of Shaumonekusse as well as four others now hanging in the library of the White House, was originally displayed at the M Street location.

In 1822, the government closed the Bureau, transferred Indian affairs to the War Department, and Georgetowners were spared another summer of odor emanating from the half-cured furs stored in the building cellar.

The year 1823 brought another tenant to the old bank building. The Mayor and Common Council of Georgetown elected to rent and later purchase the property for use as the Georgetown City Hall or "Town House." For over forty years the municipal affairs of this busy post were conducted here. The building was also used during this time as a cultural

center and lecture hall, where concerts and other entertainments were provided for the citizens. In 1863, the Mayor of Georgetown moved his offices to the recently completed Custom House (now the Georgetown Post Office) and the common council sold the property to Langs Hotel and Restaurant.

While full to bursting during the last years of the Civil War, the hotel fell into a post-war slump and never recovered. The building was sold at auction in 1870 and the Georgetown Council again became the owner. On March 3, 1871, Georgetown's charter was revoked by Congress, and the old town house, with other municipal property was turned over to the D.C. Government.

From 1871, until its conversion into a firehouse in 1883, the property was used by the District Government as various office and storage space; the conversion of '83 effectively destroying the character of the building as an 18th century commercial structure.

The interior was gutted, windows bricked up, fireplaces stopped and a stable erected in the rear to house the fire horses. The structure recovered some of the former glory through the efforts of Engine No. 5, as District firemen protected Georgetowners and their property for nearly sixty years.

In 1946, the building was put on the District's "surplus" list and was completely empty.

Since that time it has been a garage for trash trucks, a haven for hundreds of pigeons, and a dormitory for drunks. Vandalized, rain and snow pouring through holes in the roof, George Washington's Bank,

our first Bureau of Indian Affairs, Georgetown City Hall, Langs Hotel and Engine No. 5 stands as poor and destitute as those who now use it as shelter.

The National Firefighting Museum, a Washington-based, non-profit organization, hopes to restore the building as a firehouse of the 1880's, complete with live horses, brass poles and a spotted fire dog.

It was hoped originally to discover how the building looked when built, but no plans, prints, drawings, or pictures have come to light.

The Museum group hopes to use the property as a stimulus for the introduction of fire prevention information to school children and as an attractive addition to M Street.

Hearings are being sought before the Senate District Committee. Should you feel that you can support this program, please make your wishes known to the office of the Committee on the District of Columbia Room 6222, New Senate Office Building, Washington D.C., or call 225-8780. Please support H.R. 2895, S.3530.

Form 10-300
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY – NOMINATION FORM

(Type all entries – complete applicable sections)

STATE:	
COUNTY:	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME

COMMON: Bank of Columbia

AND/OR HISTORIC: Bureau of Indian Trade: Georgetown Town Hall and Mayor's Office: Fire Company No. 5

2. LOCATION

STREET AND NUMBER: 3210 M Street N.W. (Georgetown)

CITY OR TOWN: Washington

STATE	CODE	COUNTY:	CODE
District of Columbia	11	District of Columbia	001

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP		STATUS	ACCESSIBLE TO THE PUBLIC
☐ District ☒ Building ☐ Site ☐ Structure ☐ Object	☒ Public ☐ Private ☐ Both	Public Acquisition: ☐ In Process ☐ Being Considered	☐ Occupied ☒ Unoccupied ☐ Preservation work in progress	Yes: ☐ Restricted ☐ Unrestricted ☒ No

PRESENT USE (Check One or More as Appropriate)

☐ Agricultural	☐ Government	☐ Park	☐ Transportation	☐ Comments
☐ Commercial	☐ Industrial	☐ Private Residence	☒ Other (Specify) Vacant	
☐ Educational	☐ Military	☐ Religious		
☐ Entertainment	☐ Museum	☐ Scientific		

4. OWNER OF PROPERTY

OWNER'S NAME: District of Columbia

STREET AND NUMBER:

CITY OR TOWN: Washington

STATE:	CODE
District of Columbia	11

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC: Recorder of Deeds

STREET AND NUMBER: 6th and D Streets, N.W.

CITY OR TOWN: Washington

STATE	CODE
District of Columbia	11

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY: Proposed District of Columbia Additions to the National Register of Historic Properties recommended by Joint Committee on Landmarks

DATE OF SURVEY: March 7, 1968 ☒ Federal ☐ State ☐ County ☐ Local

DEPOSITORY FOR SURVEY RECORDS: National Capital Planning Commission

STREET AND NUMBER: 726 Jackson Place, N.W.

CITY OR TOWN: Washington

STATE:	CODE
District of Columbia	11

FOR NPS USE ONLY
ENTRY NUMBER
DATE

7. DESCRIPTION

CONDITION	(Check One)					
	☐ Excellent	☐ Good	☒ Fair	☐ Deteriorated	☐ Ruins	☐ Unexposed
	(Check One)		(Check One)			
	☒ Altered	☐ Unaltered	☐ Moved		☒ Original Site	

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

Facing north on M Street near the southwest corner of Wisconsin Avenue, N.W., the Bank of Columbia is a simple three-story commercial building of the late 18th century. It measures 39'8" (four unevenly spaced front bays) from east to west by approximately 80' from north to south. Abutting the building on the east is the recently-restored City Tavern; on the west is the Whisky A-Go-Go Discotheque. The original flemish bond red-orange brick still extant on the two upper stories of the north facade is now whitewashed. The altered lower level of the facade is of common bond brick with headers every eight courses. Two belt courses, four courses high, of slight projecting brick, extend across the facade and separate the stories.

The original doorway(s) and door(s) of the ground floor were apparently removed during the 1883 remodeling. The present double vehicular doors in the central and east bays are twelve-panelled below single-panelled upper sections with divided two-panel trasoms below segmental masonry arches. The single pedestrian door in the west bay is similar in design, but nine-panelled. All the doors are wood and open inward.

The windows of the upper floors are two-over-two light double-hung wooden sash with flat brick arches and stone sills. The windows of the second floor are taller than those of the third, and the west bay of each floor has been set apart, expressing that bay's function as the stair hall.

The roof slopes slightly from north to south, and a relatively simple metal cornice with a lower string of dentils is defined by a console at either end. Four courses of corbelled brick below the cornice are interrupted at equal intervals by vertical corbelled brick elements which end just below the zigzag belt of vertical stretchers.

During the course of the building's 174 years, the interior has been so extensively altered to meet a large variety of uses that only a basic framework of the original interior remains. The west bay still serves as a stair hall and corridor, although the stairs are not original. To the east were offices, which later on the ground floor became a garage. The ground floor is concrete; the upper floors are of heavy oak boarding. The walls and ceilings are plastered. Almost nothing remains of the original trim, hardware and fixtures. Most of the interior features in the building today date from its 1883 conversion to a Fire House.

The building, which has been almost totally neglected in recent years, is deteriorating rapidly. A large flock of pigeons has obviously been in residence for some time. The cost of restoring the structure was estimated at $100,000 in 1961.

To the rear of the structure, there is a small yard and a stable.

SEE INSTRUCTIONS

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

☐ Pre-Columbian	☐ 16th Century	☒ 18th Century	☐ 20th Century
☐ 15th Century	☐ 17th Century	☐ 19th Century	

SPECIFIC DATE(S) (If Applicable and Known) 1796

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

Aboriginal	☐ Education	☒ Political	☐ Urban Planning
☐ Prehistoric	☐ Engineering	☐ Religion/Philosophy	☒ Other (Specify) Architecture
☐ Historic	☐ Industry	☐ Science	
☐ Agriculture	☐ Invention	☐ Sculpture	
☐ Architecture	☐ Landscape Architecture	☐ Social/Humanitarian	
☐ Art	☐ Literature	☐ Theater	
☒ Commerce	☐ Military	☐ Transportation	
☐ Communications	☐ Music		
☐ Conservation			

STATEMENT OF SIGNIFICANCE

The Joint Committee on Landmarks has designated the Bank of Columbia a Category II Landmark of importance which contributes significantly to the cultural heritage and visual beauty of the District of Columbia. Originally built as a bank, this 174-year old building subsequently served as the Bureau of Indian Trade, Georgetown Town Hall and Mayor's Office, the Lang Hotel, and Firehouse No. 5. Despite extensive alterations to its interior, it remains an excellent example of late 18th century commercial architecture in Georgetown. It should be restored and preserved.

The Bank of Columbia, chartered by an act of the General Assembly of Maryland on December 28, 1793, was the second bank established within the District of Columbia. With capital of $1,000,000 the bank rapidly became an important financial institution in the new capital city. George Washington owned a large number of shares in the bank and served as one of its directors, as did many other influential men of the town. Samuel Blodgett of Georgetown was the bank's first president; General John Mason of Analostan Island, the second. On February 29, 1796, Thomas J. Beatty sold part of Old George Town lot 47 to the bank, which built and occupied the present building at 3210 M Street in the same year.

The Bank of Columbia moved to new quarters in 1806, and the Bureau of Indian Trade, prominent during this period because of the profitable fur trade, occupied the building from 1807 to 1822. From 1823 to 1845 the Georgetown Government rented the building as a Town Hall and Mayor's Office. On June 2, 1845, the Georgetown Government purchased the property and continued to use it as a Town Hall and Mayor's Office until the new 31st Street Customhouse was completed in 1858.

In 1863 the building was sold to Eleanor R. Lang who operated the Lang Hotel. She failed to meet her payments, however, and the Georgetown Government repurchased the property in 1870. When an Act of Congress revoked Georgetown's charter as of March 31, 1871, the property reverted to the District of Columbia Government.

In 1883 the building was remodeled into an engine house and was used by Fire Company No. 5 until consolidation with another fire company led to No. 5's abandonment by the fire department in 1940. Since that time, the building has served as a garage for the District of Columbia Sanitation Department, except for a brief period when it was conveyed by Congress to the Association of Oldest Inhabitants.

On April 15, 1969, Congressman Gude introduced a Bill providing for the conveyance of 3210 M Street to the National Firefighting Museum and Center for Fire Prevention, Incorporated, for the purpose of restoring the building for use as a National Firefighting Museum. The Bill has not yet been passed.

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Georgetown Commercial Architecture--M Street, The Commission of Fine Arts and Historic American Buildings Survey, 1957, pp. 5-11.
Howe, Charles E., "The Financial Institutions of Washington City in its Early Days," Records of the Columbia Historical Society, Vol. 8, Washington, D.C.: Published by the Society, 1905.
Tindal, William, "The Executives and Voters of Georgetown, District of Columbia," Records of the Columbia Historical Society, Vol. 24, Washington, D.C.: Published by the Society, 1922.
Viola, Herman J., "Washington's First Museum: The Indian Office Collection of Thomas L. McKenney" The Smithsonian Journal History, Fall 1968

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY							OR	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES					
CORNER	LATITUDE			LONGITUDE				LATITUDE			LONGITUDE		
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
NW	°	'	"	°	'	"		38°	54'	17"	77°	03'	49"
NE	°	'	"	°	'	"							
SE	°	'	"	°	'	"							
SW	°	'	"	°	'	"							

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 3,300 Square Feet

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

SEE INSTRUCTIONS

11. FORM PREPARED BY

NAME AND TITLE:
Nancy C. Taylor, Landmarks Historian

ORGANIZATION
National Capital Planning Commission

DATE
November 4, 1970

STREET AND NUMBER:
726 Jackson Place, N.W.

CITY OR TOWN:
Washington

STATE
District of Columbia

CODE
11

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☒ Local ☐

Name [signature]

Title Deputy Mayor-Commissioner

Date January 21, 1971

NATIONAL REGISTER VERIFICATION

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

Date

ATTEST:

Keeper of The National Register

Date

HISTORIC AMERICAN BUILDINGS SURVEY HABS NO. DC-119

THE BANK OF COLUMBIA

Location: 3210 M Street, N.W., Washington, D.C.

Present Owner: District of Columbia Government

Present Occupant: Department of Sanitary Engineering, Sanitation Division

Present Use: Garage

Brief Statement of Significance: Built originally as a bank, this building is representative of an early commercial type in Georgetown; subsequently utilized for various purposes, each with strong historical associations.

PART I. HISTORICAL INFORMATION

A. Physical History

1. Original and subsequent owners: This building is situated on original lot 47 (Old George Town) which was purchased by George Gordon on March 24, 1752 (Minutes of the Georgetown Commissioners 1751 - 1789, Georgetown Journal, "Aldermen," MSS. Div., Library of Congress, Washington, D.C.). The Bank of Columbia purchased part of Lot 47 (which had been subdivided) on February 29, 1796, purchased from Thomas J. Beatty, earlier date of transaction unknown. Mayor, Recorder, Aldermen and Common Council of Georgetown June 2, 1845 through October 14, 1863. Elenor R. Lang October 14, 1863 to October 20, 1870. Mayor, Recorder, Aldermen and Common Council received deed March 18, 1871. Government of District of Columbia May 31, 1871 to present (Records of the Columbia Historical Society, vol. 24, pp. 104-5).

2. Date of erection: Built in 1796 (Liber B., Folio 415, Recorder of Deeds, District of Columbia).

3. Architect: unknown.

4. Original plans, construction, etc.: none known.

5. Notes on alterations and additions: "It was deemed best to reconstruct the Town Hall for the accommodation of the engine company, and accordingly remodeled for $7,206.11 out of the proceeds of those sales and an appropriation of $3,000 pursuant to Acts of Congress of March 3, 1863,

and July 5, 1884, and so remains." (Records of the Columbia Historical Society, vol. 24, p. 105).

6. Important old views: none

B. Historical Events Connected with the Structure:

The builder, the Bank of Columbia, occupied 3210 M Street, N.W. from 1796-1806 (Records of the Columbia Historical Society, vol. 24, p. 104). George Washington owned a large number of stocks in this institution and was a director of the bank (The Wright collection at the George Washington University, stock certificates; George Washington's will). After the bank moved in 1806, the structure lay vacant until 1807, when the Bureau of Indian Trade moved into the building. The agency was prominent during this period as it was in charge of the profitable Indian fur trade. The Bureau occupied the premises until 1822 (Letterbooks of the Bureau of Indian Trade letter to Mr. Whann of the bank).

On July 19, 1823 the Georgetown government approved a resolution that the structure be rented for $150 a year as a "safe and convenient house for the accommodation of this Corporation, and the preservation of the records and papers belonging to the town." On March 22, 1845 an ordinance was enacted approving the purchase of the building for $2,400, provided the purchase would date from April 1, 1843. On June 2, 1845, the property was transferred to the Mayor, Recorder, Aldermen and Common Council of Georgetown (Records of the Columbia Historical Society, vol. 24, p. 104).

The Town House was sold to Elenor R. Lang on September 30, 1863 for $7,500. Mrs. Lang failed to meet her payments, however, and the Mayor, Recorder, Aldermen and Common Council repurchased the property as highest bidders at a sale on October 20, 1870, for $4,900 The deed was dated March 18, 1871, but as an Act of Congress of February 21, 1871 revoked Georgetown's charter as of March 31, 1871, the property ceased to be used as a Town Hall from that date (Records of the Columbia Historical Society, vol. 24, p. 105). The property then reverted to the District of Columbia Government.

Pursuant to Acts of Congress on March 3, 1883, the building was remodeled into an engine house for fire company no. 5 at a cost of $7,206.11 (Records of the Columbia Historical Society, vol. 24 p. 105). The structure was occupied for this use on November 17, 1883 and remained so until consolidation with another fire company led to its abandonment by the fire department on June 4, 1940 (District Fire Department). Since this time, the building has

been in use as a garage for the District Sanitation Department except for a brief period when conveyed by Congress to the Association of Oldest Inhabitants.

Although turned over to the association in August 1959 at one half its market value, the structure was found to be physically deficient to the degree that restoration would cost approximately $100,000 (The Washington Post, April 29, 1960; January 8, 1961). For lack of such funds, the association returned the building to the District of Columbia Government.

Prepared by James Philip Noffsinger
Architect
National Park Service
July 14, 1966

PART II. ARCHITECTURAL INFORMATION

A. General Statement:

1. Architectural character: A proud old structure with many important historical associations, The Bank of Columbia, is an excellent example of early Georgetown commercial architecture notwithstanding modifications to its ground floor effected by extensive later alterations. Although it has been almost totally neglected in recent years and lies--for all practical purposes--vacant, the building retains an aura of dignified austerity reflective of the young Republic in which it was built.

2. Condition of fabric: Deteriorating, its interior gutted, Cost of restoring the structure in 1961 was placed at $100,000 (Washington Post, January 8, 1961).

B. Technical Description of Exterior:

1. Overall dimensions: 39'-8" (four unequally spaced bays) x approximately 80'; three stories in height.

2. Foundations: Brick to grade.

3. Wall construction: The original Flemish bond, still extant on upper levels of (north) facade, was red-orange in color, is now whitewashed. Altered lower area of facade is of common bond with headers every eight courses; on south elevation headers occur in the common bond at intervals of four courses. Two belt courses, four courses high of slightly projecting brick, extend across facade, indicating floor levels within.

4. Chimneys: (Apparently) none.

5. Openings:

a. Doorways and doors: Original doorway(s) and door(s) apparently removed during 1883 remodeling. Present segmental-arched openings at grade measure, from east to west, 9'-4" masonry opening; 9'-5" masonry opening; 4'-10" masonry opening. Large vehicular apertures in central and east bays have divided two-pane transoms below segmental arches; smaller pedestrian opening has single pane transom. Double vehicular doors are twelve-paneled below single-paneled upper section; single door is similar in design, nine-paneled. All doors are wood, open inward. Single door on south elevation provides access to back.

b. Windows and shutters: 2/2 light double hung wood sash, flat brick arches, stone sills. Second floor windows are of greater vertical dimension than third floor windows. West bay has been set apart from three bays to the east, expressing function of that bay as stair hall. No evidence of shutters remains.

6. Roof:

a. Shape, covering: Roof slopes very slightly from north to south; covering unknown.

b. Framing: Unknown.

c. Cornice, eaves: Unelaborate metal cornice is defined by console at each end; abstractly classic in design, only a lower string of dentils is immediately recognizable. Four course brick corbeling below cornice includes a regular succession of vertical corbeled brick elements which end just below zigzag belt of vertical stretchers. Less elaborate brick corbeling at eaves in rear is a simplified echo of the facade decoration.

d. Dormers: None.

C. Technical Description of Interiors: In the course of a long physical history and inevitable alterations to suit a multiplicity of uses, the interior has reached the present even more neglected, perhaps, than the exterior. Only a basic

framework of the original interior remains: the bay to the west serves vertical (and horizontal) circulation as a stair-hall and corridor; to the east were offices, rooms and--later, on the street floor-- a garage. The ground floor is concrete, the upper floors of heavy oak decking; walls and ceilings are plastered. Almost nothing remains in terms of trim, hardware or other fixtures.

D. Site:

1. General setting and orientation: Facing north on M Street near the southwest corner of the intersection with Wisconsin Avenue, the Bank of Columbia is sited on a location unique to Georgetown: while the structure was once near the center of waterfront activity in an earlier era, it remains--unlike many other early surviving buildings of the maritime era--reasonably close to the present center of commercial activity.

2. Enclosures: None

3. Outbuildings: Brick dependency of little physical or esthetic distinction extends southward from the east side of the back (south) elevation.

4. Walks: Fronts concrete public sidewalk to the north.

5. Landscaping: None.

Prepared by Thomas R. Martinson
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National Park Service
July 14, 1966

HERMAN J. VIOLA

WASHINGTON'S FIRST MUSEUM: THE INDIAN OFFICE COLLECTION OF THOMAS L. McKENNEY

JONATHAN ELLIOT, in his 1830 guide to Washington, suggested that travelers to the nation's capital visit the Bureau of Indian Affairs. "This office possesses much [of] interest," he wrote, "perhaps more than any other in the Government."[1] What Elliot directed the tourists to was not the official functions of the Indian Bureau—although these must have been interesting enough to romantic Americans intrigued by Indian customs—but to the Bureau's museum, its library, and its art gallery.

The bureau was in the War Department building, a two-story brick structure, painted white, which stood two hundred feet west of the White House at the northeast corner of Seventeenth Street and Pennsylvania Avenue.[2] (See Figure 1.) Visitors who followed Elliot's suggestion and climbed the stairs to the second floor of the War Department building and then walked down the broad corridor to the Indian office were not disappointed by what they saw. (See Figure 2.) A large bark canoe hung over the office doorway. Inside, one hundred thirty portraits of Indian dignitaries, whose grim visages stared out at the beholder, adorned the walls. Two display cases containing Indian "curiosities"—British peace medals, beaded moccasins, costumes, arrows, pipes, baskets—competed with the office furniture for floor space. Perhaps equally as interesting as the artifacts and paintings was the library. It held practically every standard work in English on the American Indian as well as a variety of manuscripts, tracts, and journals.

The originator of the collection, which he called his "Archive," was the Superintendent of Indian Affairs, Colonel Thomas Loraine McKenney (Figure 3), a tall, jovial Scotsman with a shock of white hair and piercing blue eyes. Born in 1785, Colonel McKenney, a well-known Washington personality in the first quarter of the nineteenth century, was a native Marylander. He had been a Georgetown merchant before President James Madison appointed him Superintendent of Indian Trade in 1816. McKenney presided over the factory system, as the government trading houses for the Indians were known, until Congress abolished it in the spring of 1822. For the next year he edited the *Washington Republican and Congressional Examiner,* a semiweekly newspaper which promoted Secretary of War

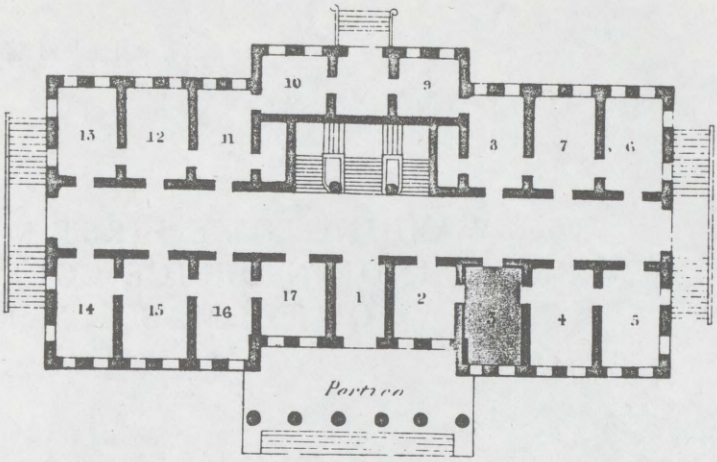
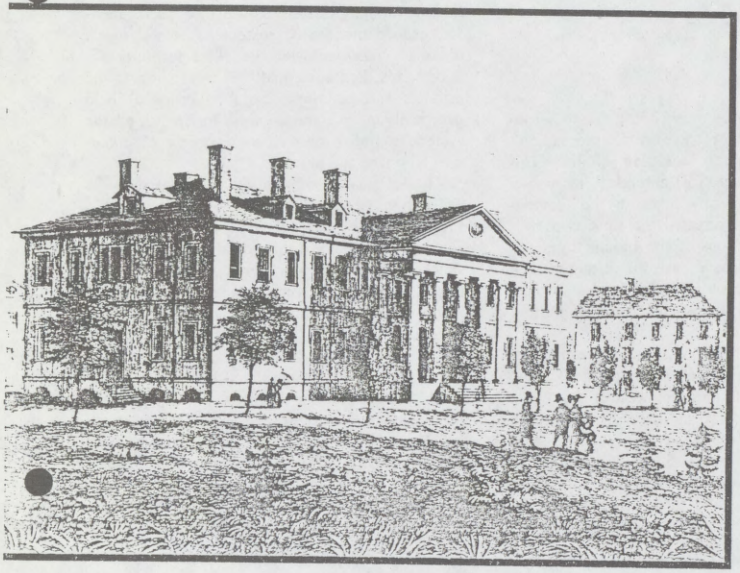


Figure 2.—The Indian office apparently was in the room labeled 3, the Secretary of War in Room 10.

Figure 1.—1832 etching of the State Department building. The State and War Department buildings were erected at the same time (about 1819) and were identical. There is no known photograph of the War Department building before its renovation at the time of the Civil War.



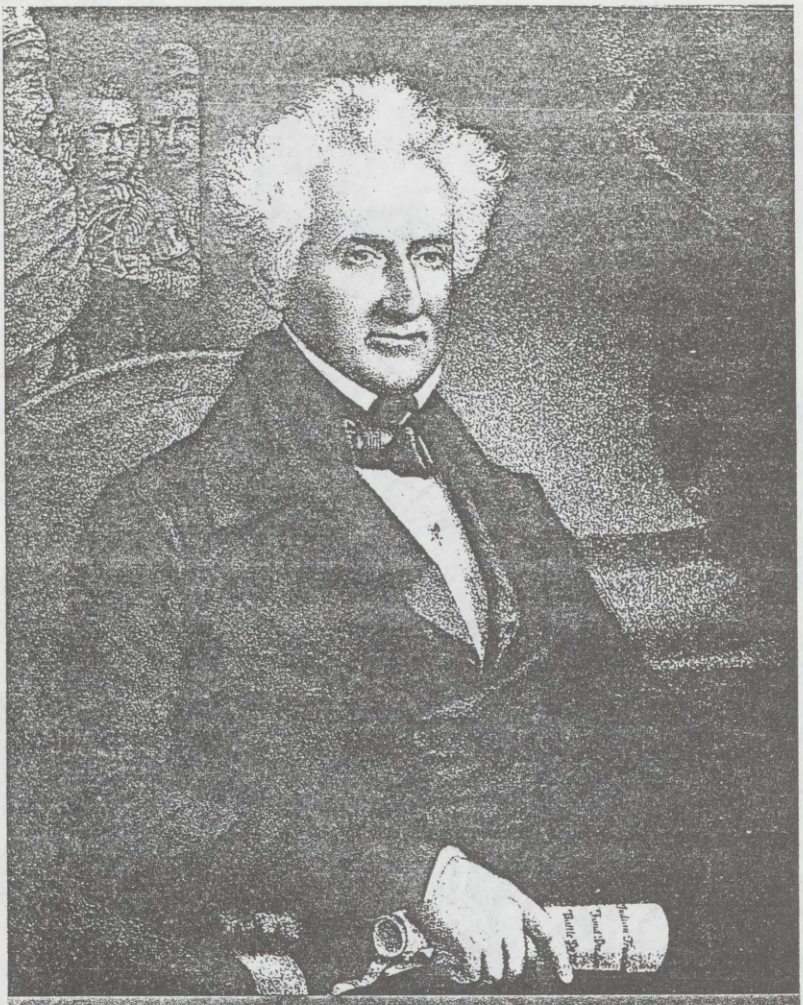


Figure 3.—Thomas L. McKenney as he appeared late in his government career.

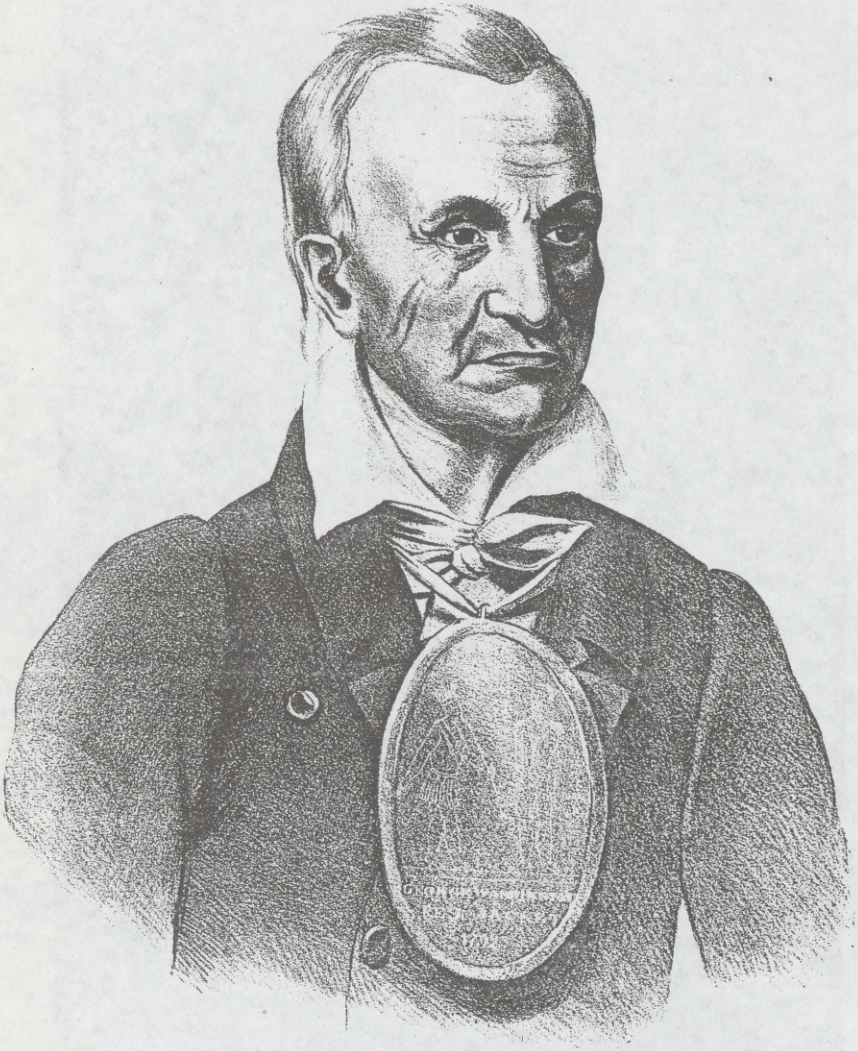


Figure 4.—Copy of the Red Jacket painting in the Indian office gallery.

John C. Calhoun's interests in the 1824 Presidential campaign. Calhoun rewarded McKenney's efforts on his behalf by appointing him first head of the Bureau of Indian Affairs, an office he established within the War Department without legislative sanction in the spring of 1824. Despite the obvious element of favoritism, the colonel was a good choice and he served capably until the fall of 1830 when President Andrew Jackson had him dismissed because of political differences.[3]

Just when McKenney decided to establish his "Archive" is unknown. "I have often regretted that no Archive exists in which might have been enrolled the progress of things relating to our aborigines," he wrote in 1820; yet he had begun working on such a project some three years earlier.[4] What he envisioned and established, however, bore little similarity to a modern archives. Rather, it resembled an American Indian museum, containing more ethnological than archival material. And, although he wanted only those items which seemed "worthy of preservation," he ended up accessioning anything relating to Indians which came his way.[5]

Lack of funds prevented him from building his collection on the scale he would have preferred. Although as Superintendent of Indian Trade he had access to the trade fund, the bankrupt condition of the factory system, especially in its latter years, restricted use of that money to necessary expenditures. The situation was even worse after he became head of the Bureau of Indian Affairs because, despite a rather substantial "contingency" fund, the Secretary of War retained the purse strings. As McKenney explained to Secretary of War John Eaton in April 1830:

> It has always appeared to me to be a desirable thing to collect periodically all that relates to the condition and prospects of these interesting but hapless people. But there has been no means that could be with propriety made applicable to defray the cost of acquiring such detailed information, at least since 1824, when this office was established. . . .[6]

Thus, the amount of money McKenney was able to divert from the contingency fund depended upon how much interest, or lack of it, the Secretary of War had in his ideas. This, of course, varied from secretary to secretary and, as Superintendent of Indian Affairs, McKenney served under four: Calhoun, James Barbour, Peter B. Porter, and Eaton, respectively. Calhoun and Barbour provided McKenney with generous allowances for his various projects. Porter allowed little expenditures, Eaton almost none at all.[7]

The colonel began his collection shortly after he became Superintendent of Indian Trade, housing it in the Indian trade office, a three-story, red brick building which is still standing in Georgetown at 3210 M Street, N.W.[8] Apparently the first items in the collection, and probably what sparked his interest in such a project, were some "Indian implements" which acting Secretary of War George Graham gave to him in the summer of 1817.[9] The day after receiving the "implements" McKenney sent a circular to his eight factors calling their "attention to a subject which will if it serve no other end gratify my individual curiosity. . . ." The circular authorized each factor to barter up to one hundred dollars worth of factory goods to obtain for the Indian trade office "curiosities" peculiar to the Indian tribes trading at his post. Besides such things as bows, arrows, clothing, and the like, any "natural curiosity whether of minerals, or animals, or plants" would be welcome. All specimens sent to the office, however, were to be properly identified.[10]

The circular prompted immediate and favorable response. John Fowler, factor at Natchitoches factory in present-day Louisiana, said receipt of the circular give him "much pleasure" because he claimed to have had the idea himself. "Your request," Fowler informed McKenney, "together, with your permission to extend the amount to one hundred Dollars, are additional motives and will afford me the satisfaction of complying with your wishes."[11] Although at least three other factors—at Prairie du Chien, Green Bay, and Choctaw factories—heeded McKenney's request, the Prairie du Chien factor, John Johnson, appears to have been the most conscientious collector. Between 1817 and 1822 he forwarded three barrels of "curiosities" for which he traded $319.59½ worth of factory merchandise. Besides these he also shipped other scattered items to McKenney and at the time his factory was closed the Prairie du Chien inventory listed $18.25 worth of artifacts still on hand.[12]

Johnson, however, does not appear to have

been very selective in his purchases. McKenney informed him in 1820 that "I have received a superabundance of Otter Skins & Moccasins." On the other hand, "I have no Bows—two or three good Bows, & quivers, I should like to have, or indeed anything that shall not be like those already procured." Besides these,

> If I could get some Natural Curiosities—the expense of which would not be too great I would like to have them—I mean the skins of animals well preserved which could be stuffed here—and of birds—and even a few scalps, without their being got, so as to convey the idea of their being desirable accompanied by the history of wars in which they were taken, and the persons to whom they belonged &c. &c. But [he cautioned] these you had better get incidentally; as by telling the Indians they are disgraceful appendages & ought to be sent away, as indicating a practice which is growing to be abhorrant even amongst Indians.[13]

By the end of the system the factors had obtained at least $570 worth of "curiosities" for McKenney. Included among the several hundred items listed on the various account books are such entries as "2 Soo head dresses," "3 Lookfa Shootahs Tomfullen pots," "2 pr warrier garters Fox Indians," "1 Turky blanket," "1 warrior whissel," "6 Hatchicks," and "2 Indian Rattles when dancing."[14]

Unfortunately, not everyone in government shared the Superintendent's views regarding the ethnological or historical value of the collection. George Graham, to whom was assigned the task of liquidating the factory system holdings, sold at least some of the artifacts at public auction. He advertised in local papers the sale of "a number of Indian curiosities" at the Indian trade warehouse to be held at 10 A.M. on 1 July 1822.[15] No record of the sale has been found, but an invoice of an auction held later that year lists the sale of four "ornamented" otter skins.[16] It is inconsistent with his character, however, that McKenney, who closely observed the phasing out of the factory system, should have allowed the sale of anything but duplicates.

What disposition was made of the collection during the two years the colonel was out of office is unknown. Most likely it was transferred to the War Department because after assuming his new position as Superintendent of Indian Affairs McKenney makes mention of the "Indian curiosities which are deposited here."[17]

Although the colonel did not have the ready access to public funds which he had enjoyed in his former position, his collection continued to grow after he became head of the Indian office. Some items, such as a string of wampum donated by a New York clergyman, were contributed by individuals who had heard about the collection.[18] Others came from Indians who visited Washington, either officially or as "tourists." McKenney had responsibility for shepherding the Indians around the city during their stay, and none left without a stop at the Indian office to view the "Archive." The visit invariably impressed the Indians and it was not unknown for them to make contributions to the collection from their own apparel.[19]

If certain items caught the colonel's fancy, he would attempt to obtain them. He made an unsuccessful bid to buy the Seneca chieftain Red Jacket's peace medal, tomahawk, and coat.[20] These McKenney probably wanted to complement the portrait of the chief which hung in the gallery (Figure 4). On another occasion the Superintendent obtained two bark canoes by providing four Passamaquoddy Indians with $191 worth of food, clothing, and traveling expenses. The Indians had been at sea hunting dolphins when they were caught in a storm. A passing ship rescued the Indians and took them to Norfolk, Virginia. From there the Indians, who hoped to sell their canoes for passage home, went to Washington to see their "Great Father," the President. McKenney "gave" them the necessary money, but, as he explained to Secretary of War Eaton, "Their canoes (being of bark) and paddles, being useless to them, and of no use to any body here; I propose to receive from them (and they offer them) as relics of their art, for the Indian Department."[21]

The Superintendent also made contributions of his own. During his term as Indian Commissioner he went on two treaty-making trips into Michigan Territory. The first trip, in the summer of 1826, was to Fond du Lac at the western tip of Lake Superior; the second, made the following summer, was to Butte des Morts in present-day Wisconsin. On the latter trip, after completing

his business in the North, McKenney traveled down the Mississippi River to Memphis and then cut overland through the South, visiting the Chickasaw, Choctaw, and Creek Indians before returning to Washington. On these excursions he acquired many "Indian Dresses, Costumes, Minerals &c," including a complete Chippewa outfit and several British peace medals, which he added to his office collection.[22]

On his 1827 tour he apparently even obtained a live elk. When the colonel returned to Washington he found a letter from William Clark, superintendent of Indian affairs at St. Louis, waiting on his desk. The letter informed McKenney that "your Elk has been received and is doing well at my cottage." The Superintendent promptly responded: "The Elk I am glad to hear is in your hands. Send him by the first safe conveyance to New Orleans, to some careful friend, and *by* one, if you can, to be shipped in the first vessel to Alexandria, *'for the Secretary of War.'*"[23] Whether or not McKenney intended to enlarge his "Archive" to include a zoo is unknown. Unfortunately, no other record relating to the elk has been found.

Manuscripts and books relating to the American Indian also formed a significant part of the collection. These McKenney acquired "chiefly for my own information," he once explained, and because he thought they would be "useful" in his work.[24] Although he had been gathering such materials all along, the complex and varied responsibilities of the position of Superintendent of Indian Affairs made their acquisition more urgent, particularly since he had found the War Department "barren of anything of the kind."[25]

He appealed to the missionaries among the Indians for help. "With the view of preserving in the archives of the Government whatever of the aboriginal man [that] can be rescued from the ultimate destruction which awaits his race," McKenney wrote, "I have to beg the favor of you to prepare and forward to the Department, as soon as you conveniently can, an Alphabet and Grammar, and as far as you may be able, a chapter on some subject, in the language of the Tribe, or Tribes among whom you and your associates are located." And, he added, "Whatever may strike you as worthy of preservation, in this, or any similar way, I will thank you to possess me of."[26]

The appeal brought results. Although difficult and time consuming to prepare, the vocabularies slowly trickled to his office. How many he received is unknown, but he apparently received vocabularies for the Sauk, Cherokee, Shawnee, Osage, Choctaw, and "Nottawa" Indians. The quality of the vocabularies varied, some being no more than mere word lists. One, however, the Choctaw vocabulary sent to him by the Reverend Alfred Wright, was so well done that McKenney gave him fifty dollars in appreciation.[27]

On other occasions he sent circulars to his field officers for specimens of Indian oratory and for clues which might "throw light upon the hitherto unexplained and very dark subject of the origin of the Aborigines of this country." Once he even offered a large reward for the first person who would send him an Indian "specific" for rabies or the venom of various poisonous snakes. He believed the Indians had such cures because, as he explained, "we have not heard of Indians dying of Hydrophobia."[28]

The colonel also accumulated a number of published works relating to the Indian. Most of these he obtained from book dealers. He instructed the firm of "Davis & Force" to contact its agents in Baltimore, Philadelphia, New York, and Boston "for lists of the titles and numbers of Volumes, and prices of such works, as relate to the Aborigines of the Country as are deemed to be standard Histories—Memoirs—Travels &c—Such as Heckewelders, Hunters, Longs, Schoolcrafts,—&c &c.—and any Theories of the Origin &c of the Indians; also such works as relate to the Geology of the Western Country &c. &c." On another occasion he asked the publishing house of Fielding Lucas & Company of Baltimore to try to find "Charlevoix's, Mons. R. De La Salle's—Father Louis Hennepin's—La Houtan's—Alexander Henry's—& Carvers travels; Colden's five nations and Adairs work" for his office.[29]

By 1828 McKenney had spent over three hundred dollars for books, an expenditure which drew some criticism. In the spring of that year the "Retrenchment Committee," a congressional committee charged with investigating unnecessary spending by government agencies, took exception to the Indian office library. "If it be competent for the clerk in this office to purchase books, and pay for them out of the contingent fund for the

Figure 5.—Young Omawhaw, War Eagle, Little Missouri, and Pawnees. This is one of the eight paintings Charles B. King did of the 1821 delegation.

Figure 6.—Apauly-Tustennuggee, Creek Indian Chief.

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Indian Department," the committee reported, "it is equally within the competency and unbridled discretion of every other clerk who may desire to constitute a library in his office at public expense."[30] A rebuttal to this report came from members of the minority party attached to the committee. Instead of criticising the library, they were

> apprehensive, from its smallness, that many works of practical utility, in the office must still be wanting; and they would see with pleasure that care was taken, by the head of the Department, gradually to collect within the Indian Office, all such works, printed and manuscript, as are required for the intelligent and efficient discharge of its duties.[31]

The gallery of Indian portraits was McKenney's pride and joy and the heart of his "Archive." Seated in his office, surrounded by the paintings, the colonel never tired of describing at length each portrait for his visitors. Many of the Indians portrayed he knew personally. Some he had met on his western trips, others when they had come to Washington. His enthusiasm did not escape the notice of his visitors. Nicolas Biddle, in describing a meeting he had with McKenney and writing years after the event, said that "I remember when I first saw him, he was surrounded by uncouth portraits of savages of both sexes, whose merits he explained with as much unction as a Roman Cicerone—how nearly extremes touch when so civilized a gentleman was in contact with so wild & aboriginal a set."[32]

Charles Bird King, a local artist whose studio and gallery were on the east side of Twelfth Street, between E and F Streets, N. W., painted most of the portraits in the gallery. Although no artistic genius, he established a fine reputation as a portrait painter and many prominent political figures of the period, including Calhoun, Henry Clay, and John Quincy Adams, made use of his talents. The first portraits he did for McKenney's gallery were of members of a delegation of Pawnee, Omaha, Kansa, Oto, and Missouri Indians who arrived in the city on 29 November 1821 (Figure 5).[33] During the course of their stay the artist did eight paintings for which he received $160. These paintings marked the beginning of King's long and profitable association with the Indian Department. By the time he finished his last Indian portrait in 1842, he had painted at least 143 pictures which cost the government over $3,500.[34] All but twenty-three of the paintings, however, were done between 1821 and 1830. For another King example see Figure 6.

The abolition of the factory system in the spring of 1822 temporarily ended both McKenney's association with the War Department and the gallery, but when the colonel returned to office in 1824, he quickly resumed work on the project. He even added a few wrinkles.

One innovation was to give the Indians copies of their portraits. That summer William Clark accompanied an important and large delegation of Sauk, Fox, Ioway, Piankeshaw, Sioux, and Chippewa Indians. McKenney not only had King paint the portraits of sixteen of the delegates, he also had the artist make a copy for each Indian. Although the copies were not sent to the Indians until several months after they had left Washington, the delegates did not go home empty-handed because McKenney provided each member of the delegation with a copy of Calhoun's likeness. The members of at least two other delegations received copies of their portraits. The copies were not the same size as the originals, 17½ by 14 inches, but were, as McKenney assured one of the recipients, "upon a size more covenient and portable, but just as true and perfect."[35]

Another innovation was to have officials in the indian country procure portraits for the gallery. Credit for this idea must go to Lewis Cass, Governor of Michigan Territory, who in December 1824 sent to the War Department "a striking likeness" of Tecumseh's brother, the Prophet, painted by James Otto Lewis, a young Detroit artist. Along with the painting Cass sent the suggestion that Lewis be allowed two hundred dollars from department funds to paint the portraits of important Indians who visited Detroit. McKenney agreed to the suggestion, but asked that Lewis enlarge his watercolor sketches to 17½ by 14 inches to match the size of the other paintings in the gallery.[36] At the same time the colonel wrote to Governor William P. DuVal of Florida Territory and authorized him to spend up to one hundred dollars for portraits of "a few of your most distinguished Indian Chiefs, which should be taken in the costume of the respective Tribes

Figure 7.—Jack-O-Pa (The Six), a Chippewa Chief. This is a painting King rendered from a sketch sent by James Otto Lewis.

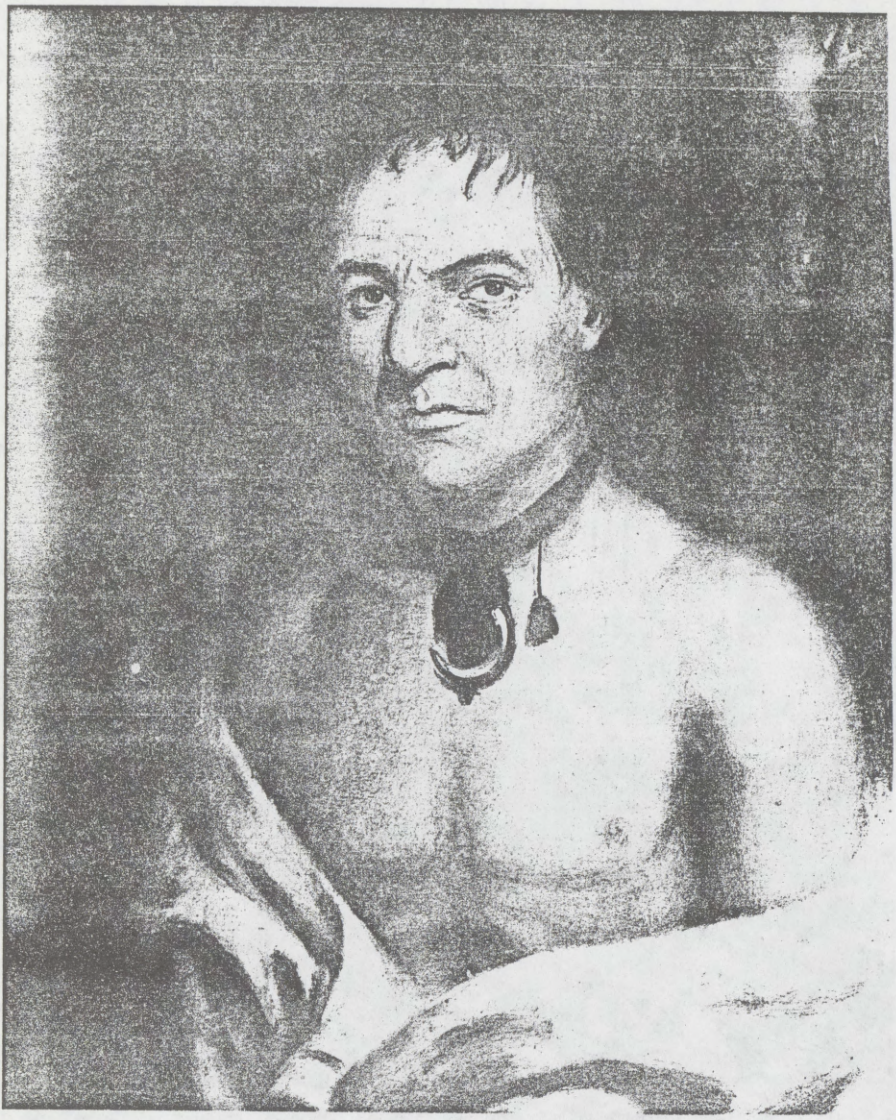


Figure 8.—Co-sne-boin, a Chippewa Chief. Another example of a painting King rendered from a Lewis sketch.

who may be represented by them." He also asked that any paintings commissioned be made the same size as the others in his collection.[37]

The exact number of paintings McKenney received this way is uncertain. Although the arrangement with Lewis proved to be less than satisfactory, about forty-five of his watercolor sketches were sent to the War Department. These were then copied in oils for the gallery. Athanasius Ford, a local artist, did eleven of the copies and King apparently did the reaminder.[38] Examples of King's copies appear in Figures 7 and 8. No record has been found that Governor DuVal complied with the request, but McKenney did receive two portraits, which cost ten dollars apiece, from Clark.[39]

The gallery grew rapidly until the spring of 1827 when Secretary of War Barbour informed McKenney that "nearly all the likenesses have been collected which it is desirable to obtain. . . ." No more money was to be spent on portraits "unless indeed the subject be remarkable and have claims to the remembrance of posterity for some deeds of virtue or prowess; or be in figure or in costume very peculiar indeed."[40]

Barbour probably was more concerned about the cost rather than the completeness of the gallery, for the paintings were expensive. From 1822 until the Secretary's directive, McKenney had spent over $3,100 on the gallery.[41] This was quite a sum, especially for something not easily justified as a departmental expenditure.

Barbour's concern was well founded because the "Retrenchment Committee," besides attacking the library, also took exception to the paintings.[42] In fact, criticism of the gallery reached such proportions that McKenney felt himself compelled to answer the charges publicly. In a letter "To a Friend" which was published in local newspapers shortly after the committee's report was read in Congress, the colonel ably defended the expenditures for the gallery. "Apart from the great object of preserving in some form, the resemblance of an interesting people. . . . It is the *policy* of the thing. Indians are like other people in many respects—and are not less sensible than we are to marks of respect and attention." All Indian delegations to Washington see this collection he pointed out. "They see this mark of respect to their people, and respect it. Its effects, as is known to me, are in this view of the subject, highly valuable." But, if money was all that interested Congress, the gallery could easily be sold for double its original cost. "And with it may go, without any regret of mine, *of a personal kind,* all the little relics which in my travels I have picked up, and at great trouble brought home with me. *It is no fancy scheme of mine.*"[43]

The colonel received support for his gallery from the minority members of the "Retrenchment Committee." Rather than censure this expenditure they felt that the Bureau of Indian Affairs should be provided with a larger office, "in which might be more advantageously exhibited the portraits in question, and others which may be added to them, together with an ample collection of the arms, costumes, household implements, and all other articles appertaining to Indian life and manners. . . ." Not only would such an arrangement "be productive of a happy effect on the imagination and disposition of the Indian deputations, which, from time to time, repair to Washington, and with which this Government transacts very important business," it would "also, form a repository, possessing a high degree of scientific and historical value."[44]

McKenney kept his gallery, but expenditures for it from public funds practically ceased. From the time the congressional report became public until he left office over two years later, he spent only $219 for seven more paintings: $148 for five Winnebago portraits, $51 for a portrait of Red Jacket, and $20 for that of Mohongo, an Osage Woman, and her child.[45]

The Winnebago delegation came to Washington in the fall of 1828. When the delegates visited the Indian office they were "highly gratified" with the portrait gallery, "especially," as McKenney informed Secretary of War Porter, "at seeing so many who were known to them." But, he reported, they also said: *"We see no Winnebagoes here."* The colonel requested that King be allowed to paint a few Winnebago portraits for the gallery. Porter apparently refused because a month later, as the delegation was preparing to leave the city, McKenney renewed his request.

> The almost daily visits made to this office of these poor wanderers, the Winnebagoes, show an attachment so decided to the faces of those

> who have been painted, & that hang here; and they evince so much anxiety to have a similar respect paid to them, as to lead me to ask that you permit the likeness of Five of the principal men to be taken. . . . Yesterday they took off their bells, & ornaments, & caps, & gave me their war clubs requesting that *these* might hang up here as memorials.[46]

Porter at last gave in and five Winnebago portraits were added to the gallery (see Figure 9).

Red Jacket was enough of a personality so that McKenney needed little justification to have his portrait added to the gallery. Mohongo, on the other hand, had been a member of a party of seven Osage Indians who had been taken to Europe in 1827 by an enterprising white man. After exhibiting the Indians for several years he abandoned them in France. French authorities sent the Indians back to America in 1830, but three members of the party, including Mohongo's husband, died of small pox on the return trip. The survivors were brought to Washington until arrangements could be made for their return to Missouri.[47] Although Mohongo was somewhat of a personality, a note which McKenney jotted to King reveals that permission for her painting required some persuasion on the part of the Superintendent. "There is an Osage woman & her child at Williamson's [Hotel]," he wrote. "The Secretary agrees if you will paint her, & introduce the head of her child, for 20$, to have her painted. *Better do it*—I think it may open the door, again, for more work. The gallery is growing daily, in popularity (see Figures 10 and 11)."[48]

The colonel banked heavily on that "popularity" because he had long-range plans for the gallery. That is why, three weeks later, he was startled to receive word that two men, Lewis Clephane and John Gardiner, were seeking permission to copy the paintings for publication. McKenney refused to allow it. The gallery was the property of the nation, he said, and could not be used for private benefit. "I do not believe it would be proper to allow those portraits to be copied for individual benefit," he wrote, "unless it were connected with some great national object; and this could be realized only by uniting the Gallary with a work on the Aborigines of this Country, and descriptions and history of the Tribes, and the individuals, that might be represented in the Gallary. An undertaking upon such a basis, would be national."[49] He should also have said that he had already begun work on that very project.

Just when McKenney decided to publish copies of the portraits is unknown. He may have had the idea in the back of his mind from the very beginning of the gallery. His plans definitely took shape during the winter of 1829 for at that time he began writing to his field officers for biographical information about various Indian leaders.[50] The fact that he realized his days with the Jackson Administration were numbered probably prompted him to begin work on the project. It was not until six years after he left office, however, that McKenney, in collaboration with Judge James Hall, published in Philadelphia his three-volume *The Indian Tribes of North America, with Biographical Sketches and Anecdotes of the Principal Chiefs,* a magnificent work which is illustrated with lithographic reproductions of many of the portraits which he had in his gallery.

Besides assembling the Indian office collection, McKenney employed several workmen to see that it was properly preserved and displayed. Although King sometimes framed and labeled his paintings before sending them to the office, Isaac Cooper did most of the framing and labeling. Two carpenters, named Gaither and Wilson, mounted most of the pictures on the walls and did other odd jobs around the office. Another man, John Simpson, worked off and on as "curator" of the collection. In the spring of 1828 he installed two display cases, including "one glass case made by self." Later that same year Simpson worked three months "in arranging and preserving from moth[s] &c. Indian relicks; and the paintings of Indian likenesses from injury &c."[51]

The partisan politics of the Jackson Administration separated McKenney from his museum on 31 August 1830. Leaving his beloved Washington behind, the colonel went into a self-imposed exile in Philadelphia. Before leaving the city he sold those items in the collection which he owned personally to the War Department for two hundred dollars. Although sorely in need of money, McKenney claimed he did this to prevent dispersal of the collection.[52]

What happened to the museum? The library

Figure 9.—Nawkaw or Wood, leader of the 1828 Winnebago delegation.

apparently remained in the office. The paintings and "curiosities" remained there only until June 1841 when they were deposited with the newly formed National Institution whose holdings were on display in the new Patent Office building located at Eight and G Streets, N.W.[53] In 1858 the paintings were transferred to the Smithsonian Institution building where almost the entire gallery was destroyed in the fire of 24 January 1865.[54] The "curiosities," along with the remainder of the National Institution's holdings, were stored in the basement of the Patent Office Building until 1862 when they too were turned over to the Smithsonian Institution.[55]

NOTES

Herman J. Viola is Associate Editor of *Prologue: The Journal of the National Archives.* This article is based on a portion of his larger study, "Thomas L. McKenney and the Administration of Indian Affairs, 1824–1830."

1. Jonathan Elliot, *Historical Sketches of the Ten Miles Square Forming the District of Columbia; with a Picture of Washington, Describing Objects of General Interest or Curiosity at the Metropolis of the Union* (Washington, D. C., 1830), 165. After its establishment in 1824 the terms "Bureau" and "Office" were used almost interchangeably to describe the Indian section of the War Department. Leonard D. White, *The Jeffersonians: A Study in Administrative History,* 1801–1829 (New York, 1951), 507.
2. W. Edwin Hemphill, ed., *The Papers of John C. Calhoun,* Vol. II of 3 vols. (Columbia, South Carolina, 1959–), xlvi.
3. Dumas Malone, ed., *Dictionary of American Biography,* Vol. XII of 20 vols. (New York, 1928–36), 89–90.
4. Thomas L. McKenney to T. Lewis, 22 November 1820, Office of Indian Trade, Letters Sent (henceforth IT LS), Vol. F, 81, Records of the Office of Indian Trade (Record Group 75, National Archives).
5. McKenney to Superintendents of Indian Schools, 9 August 1824, Bureau of Indian Affairs, Letters Sent (henceforth IA LS), Vol. I, 173, Records of the Bureau of Indian Affairs (Record Group 75, National Archives).
6. McKenney to John Eaton, 22 March 1830, *ibid.,* Vol. VI, 352.
7. From surviving fiscal records it appears that McKenney spent at least $4,300 for his "Archive." The amount spent between 1824 and 1830, when he was Superintendent of Indian Affairs, totaled at least $3,770.11. The amounts spent during the administrations of the four secretaries are as follows: Calhoun, $744.75; Barbour, $2,793.86; Porter, $160.50; and Eaton, $71.00. It should be noted, however, that these sums do not necessarily represent all the department money McKenney received for his collection because it is possible that the records are incomplete. Second Auditor's Accounts, first series, Numbers 5724, 5810, 8062, 8100, 8106, 8358, 8447, 8668, 9130, 9444, 9445, 9513, 9570, 9873, 9953, 9955, 10163, 10210, 10509, 10584, 11442, 11679, 11904, 12910, 12923, 15437, Records of the General Accounting Office (Record Group 217, Washington National Federal Records Center, Suitland, Maryland).
8. John Mason to the Directors of the Bank of Columbia, 3 December 1807, IT LS, Vol. A, 12; Georgetown Assessment Records, 1818–1819, 4, Records of the Government of the District of Columbia (Record Group 351, National Archives).
9. McKenney to George Graham, 21 July 1817, IT LS, Vol. D, 379.
10. McKenney to factors, 22 July 1817, *ibid.,* 376–377.
11. John Fowler to McKenney, 9 September 1817, Letterbook of the Natchitoches-Sulphur Fork Factory 122, Records of the Office of Indian Trade.
12. Journal of the Prairie du Chien Factory for quarters ending 31 December 1817, 30 June 1818, 30 September 1818, 30 June 1819, 30 June 1820, 31 December 1820, 31 March 1821, and 30 June 1822; Inventory of the Green Bay Factory for quarter ending 31 December 1819; Inventory of the Choctaw Factory for quarters ending 31 March 1818, 30 September 1818, and 31 December 1818, Records of the Office of Indian Trade.
13. McKenney to John Johnson, 26 August 1820, IT LS, Vol. F, 38.
14. See Note 12.
15. *Metropolitan and Georgetown National Messenger,* 25 June 1822.
16. Sales Book, 31 October 1822, Records of the Office of Indian Trade.

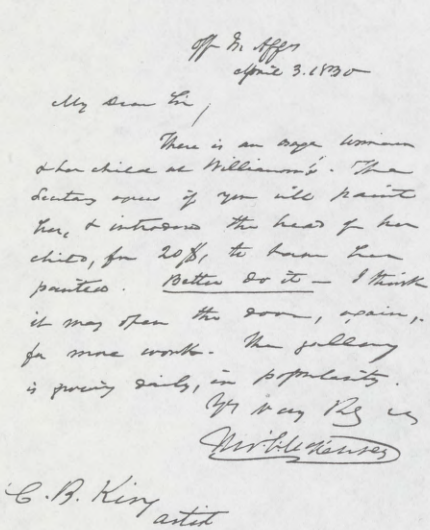
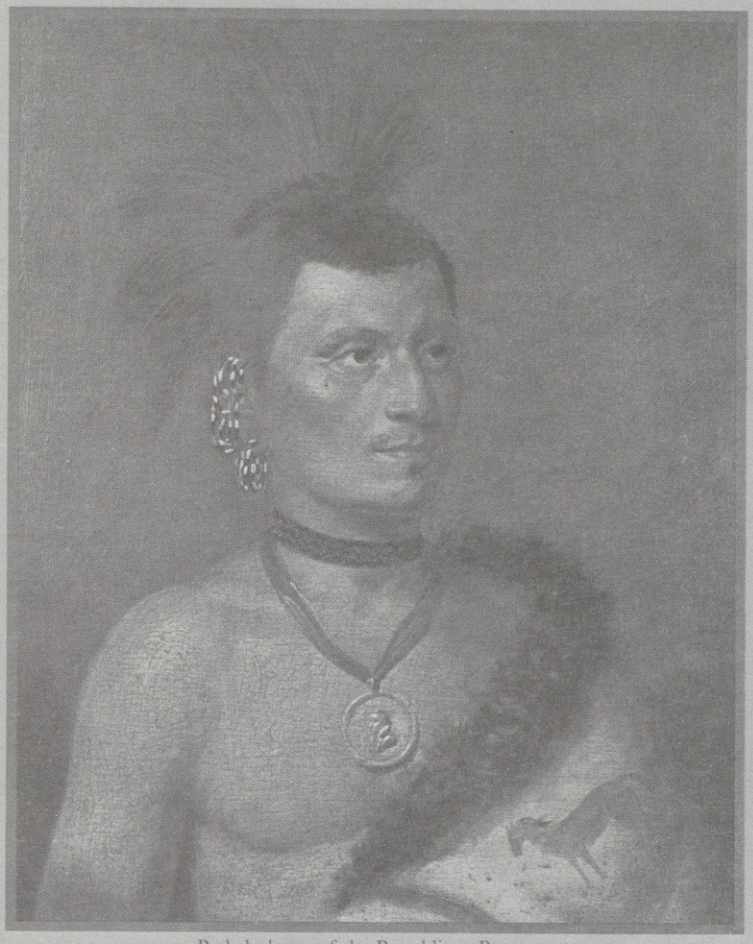


Figure 10.—Note by McKenney to King.

17. McKenney to James V. S. Ryley, 18 April 1825, IA LS. Vol. I, 451.
18. *Ibid.*
19. McKenney to Peter B. Porter, 9 December 1828, Bureau of Indian Affairs, Letters Received (henceforth IA LR), Miscellaneous, Records of the Bureau of Indian Affairs (Record Group 75, National Archives).
20. McKenney to Justus Ingersoll, 27 February 1830, IA LS, Vol. VI, 295.
21. McKenney to Eaton, 13 March 1829, IA LS, Vol. V, 340; Thomas L. McKenney, *Memoirs, Official and Personal* . . . . Vol. II of 2 vols. (New York, 1846), 29.
22. Second Auditor's Account, first series, Number 14418; Thomas L. McKenney, *Sketches of a Tour to the Lakes.* . . . (Baltimore, 1827) 295, 313, 315, 320.
23. William Clark to McKenney, 2 November 1827, IA LR, St. Louis Superintendency; McKenney to Clark, 15 December 1827, IA LS, Vol. IV, 188.
24. McKenney to T. Lewis, 22 November 1820, IT LS, Vol. F, 79.
25. McKenney to Samuel S. Conant, 5 January 1825, IA LS, Vol. I, 284.
26. McKenney to Superintendents of Indian Schools, 9 August 1824, *ibid.*, 173.
27. Thomas Forsyth to James Barbour, 15 June 1826, IA LR, Sac and Fox Agency; McKenney to John Pickering, 18 April 1826, IA LS, Vol. III, 39; John Johnston to McKenney, 3 November 1829, IA LR, Piqua Agency; McKenney to Benton Pixley, 26 March 1825, IA LS, Vol. I, 427; McKenney to Alfred Wright, 9 August 1828, *ibid.*, Vol. V, 79; Barbour to Mary Randolph, 17 October 1826, *ibid.*, Vol. III, 197.
28. McKenney to Lewis Cass, Clark, George C. Sibley, James McDonald, John Gambold, Cyrus Kingsbury, Elijah Kellogg, James B. Finely, Isaac McCoy, Robert Bell, T. C. Stuart, and William F. Vaitt, 12 January 1825, IA LS, Vol. I, 299; McKenney to Superintendents of Indian Affairs, Indian Agents, and Superintendents of Indian Schools, 22 August 1825, *ibid.*, Vol. II, 129–130; McKenney to superintendents and agents, 7 February 1827, *ibid.*, Vol. III, 369.
29. McKenney to Davis and Force, 28 April 1825, *ibid.*, Vol. 1, 472; McKenney to Fielding Lucas, 10 April 1827, *ibid.*, Vol. IV, 9.
30. Report of the Committee on Retrenchment, 15 May 1828, House Rep., 20 Cong., 1 Sess., No. 259 (Serial 179), 30.
31. Report of the Minority of the Committee on Retrenchment, *ibid.*, 181.
32. Nicholas Biddle to Daniel Webster, 2 March 1841, Office of the Secretary of War, Letters Received, Records of the Office of the Secretary of War (Record Group 107, National Archives).
33. John C. Ewers, "Charles Bird King, Painter of Indian Visitors to the Nation's Capital," *Smithsonian Report for 1953* (Washington, D. C., 1954), 463–464.
34. Second Auditor's Accounts, first series, Numbers 5724, 8062, 8100, 8668, 9445, 9955, 10163, 10584, 11679, 12910, 12923, 15437; second series, Numbers 1154, 1421, 7071.
35. McKenney to Clark, 10 December 1824, IA LS, Vol. I, 260; Second Auditor's Account, first series, Number 8646; McKenney to Clark, 14 April 1825, IA LS, Vol. 1, 447; McKenney to John Ridge, 14 December 1825, IA LS, Vol. II, 309.
36. Cass to Calhoun, 15 December 1824, IA LR Michigan Superintendency; McKenney to Cass, 14 January 1825, IA LS, Vol. I, 298.
37. McKenney to William P. DuVal, 21 February 1825, IA LS, Vol. I, 361.
38. "I sent you the other day Lewis' account, agreeably to the intimation you gave me respecting it. I do hope you will have it paid. You must not wholly cast off the poor fellow, although in reality he perhaps deserves but little commiseration. I have urged and reurged him to complete the unfinished drawings, since his return from the Wabash, within a few days, but a paralysis seems to have seized him. He has been, I fear, attacked with the old mania. Still he appears to dread the loss of your esteem, as one of the greatest misfortunes, which could befal him. He will probably apply himself to business after a few days." Cass to McKenney, 27 November 1826, IA LR, Michigan Superintendency; Second Auditor's Accounts, first series, Numbers 944, 9513; Thomas L. McKenney and James Hall, *The Indian Tribes of North America, with Biographical Sketches and Anecdotes of the Principal Chiefs,* ed. Frederick Webb Hodge, Vol. I of 3 vols. (Edinburgh, 1933), xxxiv–v.
39. McKenney to Clark, 3 May 1827, IA LS, Vol. IV, 45.
40. *Ibid.*
41. Report of the Committee on Retrenchment, 31.
42. *Ibid.*
43. McKenney to "a Friend," 15 May 1828, *Alexandria Gazette,* 22 May 1828; *National Intelligencer,* 31 May 1828.
44. Report of the Minority of the Committee on Retrenchment, 187.
45. Second Auditor's Accounts, first series, Numbers 12910, 12923, 15437.
46. McKenney to Porter, 3 November 1828, IA LS, Vol. V, 169; McKenney to Porter, 9 December 1828, IA LR, Miscellaneous.
47. McKenney and Hall, *The Indian Tribes of North America,* Vol. I, 44–46.
48. McKenney to Charles B. King, 3 April 1830, Miscellaneous Manuscripts (New York Historical Society).
49. McKenney to Lewis Clephane and John Gardiner, 26 April 1830, IA LS, Vol. VI, 393.
50. "[It is] in anticipation to publish the Portraits of the Indians now in this office, and to accompany the work with information, historical, and biographical, so far as materials can be obtained; also to intersperse it with anecdotes of each person." McKenney to Clark, 20 October 1829 (copy), Taliaferro Papers, Minnesota Historical Society (Microfilm, Roll 1, Document 119); John Johnston to McKenney, 3 November 1829, IA LR, Piqua Agency.
51. Second Auditor's Accounts, first series, Numbers 5810, 8106, 9570, 9953, 10509, 11679, 10210, 11901.
52. *Ibid.*, Number 14418.
53. *Journal of Proceedings of the National Institution,* 14 June 1841, 96, Miscellaneous 113 (Smithsonian Institution Archives); John Bell to J. J. Abert, A. O. Dayton, and Francis Markoe, 21 June 1841, Office of the Secretary of War, Letters Sent, Vol. XXIII, 458, Records of the Office of the Secretary of War (Record Group 107, National Archives).
54. Appendix to the Report of the Secretary of the

Invitation To Washington, D. C.



Peskelechaco, of the Republican Pawnees
Portrait by Charles Bird King
DANISH NATIONAL MUSEUM

DOCUMENT #3D

INVITATION TO WASHINGTON —A BID FOR PEACE

And, as part of the artful maneuver, Charles Bird King is commissioned to paint the guests' portraits

by Herman J. Viola

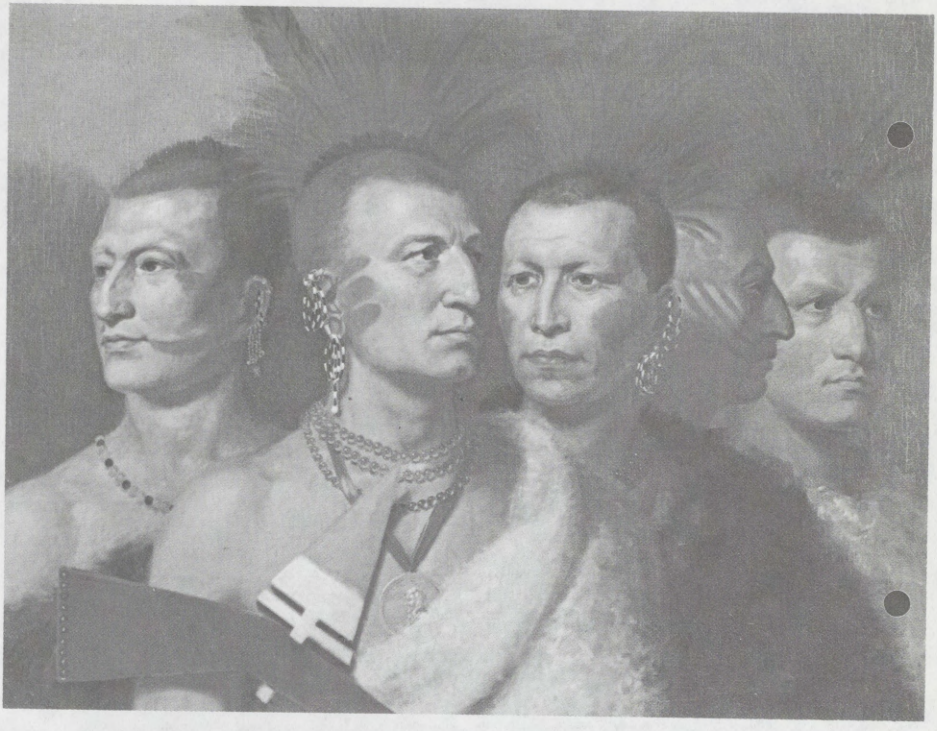
EACH YEAR, as generations of curious Americans have done before them, thousands of visitors file through the rooms and hallways of the White House. Few leave without a renewed feeling for the dignity of America's cultural heritage—a feeling enhanced by five striking Indian portraits that hang in the ground-floor library. Ironically, one hundred and fifty years ago these Indians were also White House visitors, gaping in wonderment and fascination at all they saw. They were no ordinary tourists. As representatives of remote and militant Indian tribes, they were there as objects of an elaborate scheme designed to influence them to accept peaceably American expansion into their country.

Too weak to risk war with the powerful tribes arrayed along its western borders, the federal government until well into the nineteenth century stressed diplomacy rather than force in its Indian policy. Inviting Indian leaders to visit America's most important cities, especially Washington, D.C., was a major component of this policy. After inspecting forts, arsenals, and battleships, being showered with presents, and meeting their Great Father the president, few of the impressionable natives returned to their people without profound respect for the wealth and strength of the United States. The Indians whose portraits now hang in the White House library were no exceptions when, in the fall of 1821, they were brought to Washington by their agent Benjamin O'Fallon.

Two years earlier, O'Fallon had been given the task of preparing the Indians of the Upper Missouri region for the arrival of the Americans. Fearful of England's intentions in the Northwest following the War of 1812, Secretary of War John C. Calhoun had conceived a master plan intended to overawe the tribes and cut off their intercourse with British traders operating from Canada. A military post was to be established on the Missouri River at its confluence with the Yellowstone, and another at the mouth of the Minnesota on the Mississippi, thereby securing the vast area of the two river valleys for American interests. As Calhoun explained in the letter appointing O'Fallon agent, "The important military movements which are contemplated on the Missouri will be greatly facilitated or impeded by the friendship or hostilities of the Indians. Their disposition will be principally influenced by the conduct of the agent, and you will accordingly spare no pains to acquire their friendship and confidence."

Choncape, or Big Kansas, of the Oto tribe was among the Indians who visited the capital and posed for portraits by Charles Bird King.

DANISH NATIONAL MUSEUM



Many believe this painting by King—the only Indian group he depicted— to be his finest work. From left to right are Young Omawhaw, War Eagle, Little Missouri, and two Pawnees.

SMITHSONIAN INSTITUTION

Calhoun assured O'Fallon that "these important objects" could be accomplished by a proper combination of kindness, firmness, and "a judicious distribution of presents." The devastating depression of 1819 and a cost-conscious Congress shattered Calhoun's plans for western expansion, leaving Fort Atkinson and the Upper Missouri Indian Agency, established at Council Bluffs, the exposed vanguards of the United States.

O'FALLON HAD BEEN a good choice for the difficult post. Although only twenty-six, he had already seen many years' service as a fur trader and Indian agent, working for his uncle William Clark, the superintendent of Indian affairs at St. Louis, who had raised him from infancy. Because of his long association with Clark, O'Fallon was remarkably well-schooled in the customs, habits, and character of the Indians of the Upper Missouri.

Young O'Fallon was responsible for a vaguely defined region occupied by roving bands of some fourteen tribes, including the Assiniboin, Blackfeet, Crow, Kansa, Missouri, Omaha, Oto, Pawnee, Ponca, and Sioux. The obvious inadequacy of the American military presence along the Missouri River, however, had emboldened the Indians and weakened the chance of attaching them to the United States. Furthermore, American traders and trappers were swarming into the

region, arousing fear and anger among the tribes. O'Fallon was sitting on a powder keg.

Hoping to forestall hostilities, he requested permission to bring to Washington a delegation of about fifteen chiefs and warriors from the more militant tribes. "I think it of the highest importance," he wrote, "that a few of those [Indians] should visit the President together with some of the most populous States and Citys to enable them to see the wealth and Population which they cannot be induced to believe is equal to what they have seen in Canada." The troops at Fort Atkinson had inspired respect "and our boats additional astonishment," but the Indians were "still disposed to underrate our strength, to believe the detachment of troops on the Missouri is not a part, but the whole of our Army." Calhoun liked the suggestion but asked him to delay another year before bringing the delegation.

But O'Fallon could not wait. Shortly after making his request in April 1821, he learned that a Pawnee war party had attacked nine Americans near the Arkansas River, killing several. The raiders had escaped with about a thousand dollars worth of plunder—trade goods, guns, and ammunition—and two American flags, which they had flagrantly displayed at their village. O'Fallon suggested sending a four-hundred-man military expedition after the culprits. Calhoun agreed that such temerity could not be ignored but thought it more prudent and economical to invite tribal leaders to Washington, where they could be cautioned about their reckless behavior.

Anticipating a lively winter in the East after two years at his wilderness outpost, the handsome bachelor acted quickly. He sent runners to the tribes near Council Bluffs, inviting the chiefs and warriors to visit their Great Father in Washington; in less than a month he was traveling east, accompanied by his black body servant, two interpreters, and seventeen Kansa, Missouri, Omaha, Oto, and Pawnee Indians.

The proud, warlike Pawnee, led by Sharitarish, brother of head chief Tarecawawaho, dominated the delegation. Confident in the belief that the president of the United States could not have as many wives and warriors as he had, Tarecawawaho refused to humble himself by visiting the Great Father; but he had no objection to sending thirty-year-old Sharitarish as his representative. Accompanying him were Peskelechaco, of the Republican Pawnee, and Petalesharro, chief of the Pawnee Loups. Tall, handsome, only twenty-four, his bravery attested to by his full war bonnet of eagle feathers, Petalesharro four years earlier had saved a captive Comanche woman from being burned at the stake. Opposed to human sacrifice, he had rushed from the crowd, cut the woman free, thrown her across a horse, and carried her from the Pawnee village.

Less militant though no less colorful were the other delegates. Leading the Omaha deputation was Ongpatonga or Big Elk, their principal chief. This distinguished orator was about forty and considered the most talented and influential member of his tribe. Ably representing the Oto were Choncape, or Big Kansas, and Shaumonekusse, who was accompanied by his young wife Eagle of Delight. The principal Kansa delegate was Monchonsia, or White Plume.

Supervising this diverse and temperamental group challenged O'Fallon's abilities. The Missouri, Omaha, and Oto were peaceful and amicable, "deserving the friendship and confidence of the American people," but the agent considered the Kansa "impudent" and the Pawnee "insolent." The troublesome Kansa were at war with most of their neighbors, creating additional tensions within the delegation. Communication was also a major problem. The delegates represented two language groups, and none of them spoke English. Consequently interpreters had to translate all instructions and messages twice. No matter; O'Fallon considered himself capable of coping with any situation. Arrogant, quick-tempered, and fast with his fists, he scorned agents who handled their Indians in a "tame and humbled maner [*sic*]," believing they disgraced both "themselves and [the] government in the eye of the Savage." In his opinion, an Indian agent had to be a man "of the most daring, persevering, and enterprising caracter [*sic*]."

THE DELEGATION'S immediate destination was St. Louis. With the Indians quartered under his uncle's care at the superintendency, O'Fallon prepared for the rigorous nine hundred miles ahead. He reshod the horses and mules, and purchased draft horses, a harness, two dearborn wagons, and such incidentals as nine pounds of tobacco, three pounds of vermilion, and six pairs of stirrups. He also added two men to the company: James Graves, a black hired on as cook for the Indians until they reached Washington; and Louis T. Honore, his uncle's interpreter and secretary whom Clark may have sent along to keep a protective eye on his hard-drinking, hot-tempered young nephew. Regardless, Honore served O'Fallon well, handling all business matters and attending to the delegates. While O'Fallon kept busy elsewhere, the Indians evidently amused themselves by eating, for they consumed some four hundred and fifty pounds of beef in twelve days.

On the morning of October 19, the colorful cavalcade resumed its trek. Riding in the lead was the confident O'Fallon, reins in one hand, his ever present cigar in the other. Strung out behind him in full regalia were the somber, apprehensive Indians. Lumbering along in the rear were the wagons, driven by the two blacks and piled high with provisions, bedding, and gifts for the president.

Sleeping at inns where possible, camping along the road, the Indians traveled for six weeks by way of Louisville, Wheeling, and Hagerstown. On November 30, the *Daily National Intelligencer* announced the delegation's triumphant arrival in Washington. "Their object is to visit their Great Father, and learn something of that civilization of which they have hitherto remained in total ignorance," the paper

reported. Representing the "most remote tribes with which we have intercourse," the delegates were thought to be "the first of those tribes that have ever been in the midst of our settlements."

Surprisingly, O'Fallon did not board with his charges in the capital. Perhaps he had seen enough of them during the preceding three months. The first four days he and his body servant stayed at the Indian Queen, Washington's most popular hotel, advertising sixty "well-proportioned and well-furnished" rooms; then he moved to an equally fine inn owned by Joshua Tennison on Pennsylvania Avenue. The Indians and interpreters, however, he lodged a block away at George Miller's tavern, a notorious establishment where slave dealers reputedly housed their property while traveling through Washington. Apparently Miller's price was right. He charged O'Fallon only seventy-five cents a day for each delegate's room and board, half the amount the agent paid at the Indian Queen and Tennison's. The travel-weary delegation rested a week, and then all but two Indians and an interpreter left for a tour of Baltimore, New York, and Philadelphia, returning to Washington two days after Christmas.

For the next few days, the bewildered visitors were set upon by tailors, cobblers, and merchants who measured them for hats, shirts, trousers, and boots. The men received military uniforms—blue greatcoats with red cuffs and capes and silver epaulettes, blue trousers, and black leather boots. The hats resembled a coronet decorated with red and blue foil and brightly colored feathers. Silver arm bands, tomahawks, sheath knives, and powder horns completed the ensembles. Eagle of Delight was given scarlet pantaloons and a green cambric cloak. The Indians were evidently pleased with the clothes because Shaumonekusse more than twenty years later was still proudly wearing his greatcoat, which, an observer noted, was "adorned with red facings and enormously large brass buttons, and garnished upon each shoulder with a pair of tarnished, sickly-looking silver epaulettes."

The Indians wore their new finery when they formally met President James Monroe at the White House on February 4, 1822. Followed by O'Fallon and the interpreters, they were ushered into the president's antechamber (now the Red Room) where they nervously awaited his arrival. They were not completely at ease in their strange clothes. "Their coats seemed to pinch them about the shoulders," one bystander noticed; "now and then they would take off their uneasy headdresses, and one sought a temporary relief by pulling off his boots." Monroe's entrance brought the assembly to attention.

Speaking from prepared notes held in one hand, the president addressed the delegates, thanking them for coming such a great distance to see him and the wonders of the white man's world. Now, he hoped the Indians would want the comforts of civilized life for themselves. If so, he was prepared to send missionaries to teach their people agriculture and Christianity. The president was also pleased that the Indians had visited forts, arsenals, and navy yards, but, he warned, they had seen only a fraction of American strength. Few fighting men were needed at the capital; in time of war all citizens took up arms and became warriors. Thus, he urged the Indians to remain at peace with each other and not to listen to those who advised them to mistrust or fight with the United States. As Monroe spoke, the interpreters translated his speech sentence by sentence; the Indians in return nodded gravely, indicating that they understood what had been said.

When the president finished, the delegates were invited to respond. Sharitarish stepped forward, solemnly shook hands with Monroe, and slowly delivered a long speech. "My Great Father," he said, "I have traveled a great distance to see you —I have seen you and my heart rejoices. I have heard your words . . . and I will carry them to my people as pure as they came from your month. . . . [I] have seen your people, your homes, your vessels on the big lake, and a great many wonderful things far beyond my comprehension, which appears to have been made by the Great Spirit and placed in your hands." But, wonderful as it was, he would not trade his way of life for that of the white man. There were still plenty of buffalo to hunt and beaver to trap. "It is too soon," Sharitarish continued, "to send those good men [the missionaries] among us—we are not starving yet—we wish you to permit us to enjoy the chase until the game of our country is exhausted—until the wild animals become extinct. . . . I have grown up, and lived this long without work," he declared; "I am in hopes you will suffer me to die without it. We have everything we want—we have plenty of land, if you will keep your people off it."

The other chiefs then spoke in turn, each stressing his love for the Indian way of life. The first speakers were noticeably nervous, but each succeeding orator became less reserved until the last—claimed a witness—spoke "as loud as you ever heard a lawyer at a county court bar."

As each speaker finished, he laid a present at the president's feet. By the end of the ceremony, Monroe was sitting behind a mound of buffalo robes, calumets, moccasins, and feathered headdresses. Sharitarish explained that the Indians knew the gifts would be of little value to him, but they wanted Monroe "to have them deposited and preserved in some conspicuous part of your lodge, so that when we are gone . . . if our children should visit this place, as we do now, they may see and recognize with pleasure the deposits of their fathers, and reflect on the times that are past." What became of the gifts is unknown; only the chiefs' portraits remain.

By the end of the lengthy ceremony, the audience had been swelled considerably by curious onlookers, including several Supreme Court justices who were waiting to see Monroe. Everyone adjourned to the drawing room (today's Blue Room) for cake and wine. The Indians capped the festivities by

WHITE HOUSE COLLECTION

Eagle of Delight, wife of Shaumonekusse. This and the following four paintings are on display in the White House.

WHITE HOUSE COLLECTION

Sharitarish, brother of head chief Tarecawawaho, represented the Pawnee people.

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WHITE HOUSE COLLECTION

Petalesharro, chief of the Pawnee Loups and foe of the practice of human sacrifice.

WHITE HOUSE COLLECTION

Monchousia, or White Plume, the principal Kansa delegate.

WHITE HOUSE COLLECTION

Shaumonekusse, representative of the Oto people.

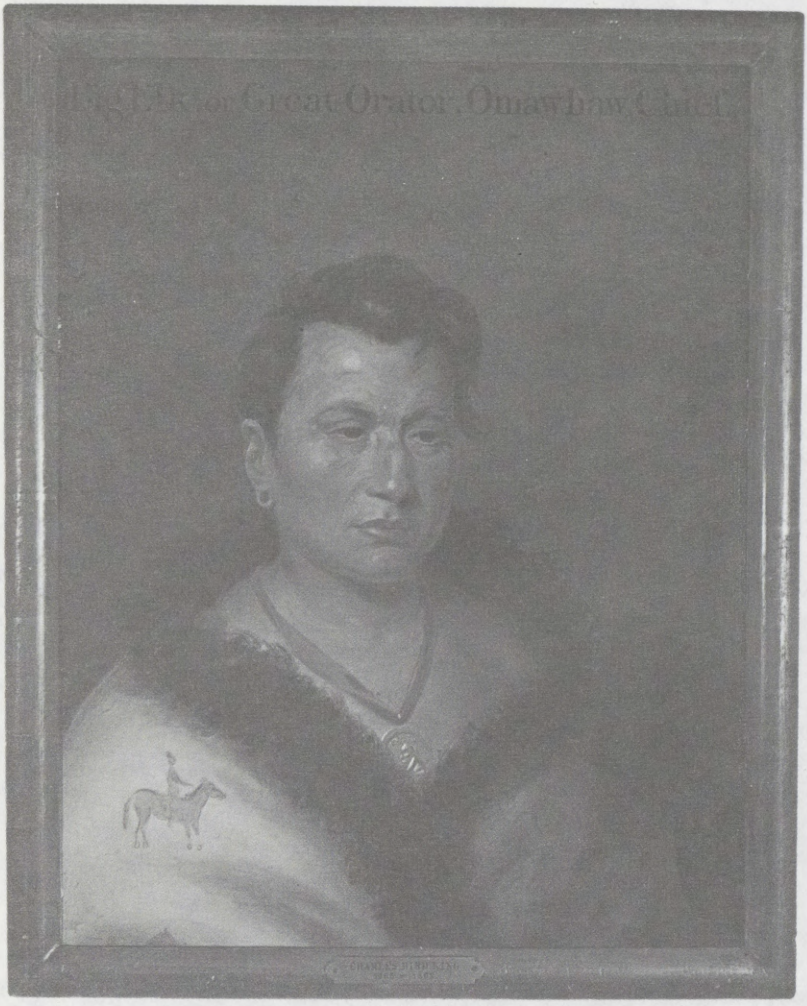
NATIONAL ARCHIVES

Agent O'Fallon housed the Indians and their interpreters in George Miller's tavern, at a cost of only seventy-five cents a day per person for room and board.

lighting their pipes and passing them to the president, Chief Justice John Marshall, and other dignitaries, who took token whiffs. By this time the visitors had endured long enough their unfamiliar and uncomfortable clothing. As a dismayed observer reported, "one of them, unable longer to bear the pressure of his boots, sat down and deliberately pulled them off. Another his coat, until the whole might have brought themselves back to a comfortable state of nature had they not been led out."

The Indians met the president on two other occasions. A month earlier, New Year's Day, 1822, they had been part of the crush at the annual White House reception. While the Marine Band played a medley of patriotic airs, cabinet officials, members of the diplomatic corps and Congress, and military officers chatted amiably with each other as they elbowed their way to the punch bowls. Shortly before the afternoon reception was to end, the Indians stalked into the East Room and stole the show from the fashionably dressed ladies of Washington. The Indians were arrayed in their finest ceremonial garb; three were wrapped in brightly painted buffalo robes, including Petalesharro who was also wearing his war bonnet with feathers "descending like wings to the waist." Bright vermilion made their faces even more awesome. To Jonathan Elliot, editor of the Washington *Gazette*, they looked "cadaverous" until the "music and the hilarity of the scene" put them at ease; then "in place of pensive gravity, a heartfelt joy beamed in the sullen eye of the Indian warrior."

Their last meeting with President Monroe was on Saturday, February 9, when they danced for him on the enclosure just north of the White House. Well-publicized by the local press and favored with a crisp, sunny day, the spectacle attracted half the population of Washington, including many ladies



Big Elk, or Ongpatonga, considered the most talented and influential of the Omaha Indians.

and most of the congressmen who had adjourned early for the occasion. The mock council between the Indians and the presidential party which opened the show afforded "a striking specimen of native oratory," in one bystander's opinion. "The gestures of the Indian speakers were violent, but energetic, and frequently graceful." When the conference ended, the warriors threw aside their blankets and, armed with tomahawks and clubs, performed dances described as "a rude kind of leaping, governed, in some measure, by the sullen sound of a sort of drum." Wearing nothing but war paint and red flannel breechclouts, the Indians "uttered shocking yells, and writhed and twisted their bodies in frightful contortion." The three-hour theatrical was a tremendous success. "They were painted horribly, and exhibited the operation of scalping and tomahawking in fine style," a second observer claimed. Still another thought the exhibition one which "no person of liberal and philosophical curiosity would willingly have missed seeing, and which no one who viewed it . . . would choose to witness again."

The Indians so impressed Washingtonians with their dignified and orderly behavior that many of the delegates were invited to private homes for tea or to spend an evening by the fireside. Shaumonekusse and his wife were frequent guests of Jonathan Barber, a local physician. "She was a very good natured, mild woman," he wrote, whereas her husband "shewed great readiness in acquiring our language, retaining anything that he was once informed, and imitating the tones of every word." The Indians also demonstrated a natural wit. On one occasion the doctor showed several of them a skeleton he kept in a closet, whereupon one of them grasped a bony hand and said, "How do you do?"

The most popular delegate was Petalesharro, whose dramatic rescue of the captive woman fired the imaginations of romantic easterners. The girls of Miss White's Seminary immortalized the deed by having an elaborate silver medal engraved for him. The front shows Petalesharro and the woman rushing toward two horses; the reverse shows several disappointed Indians looking at the empty scaffold. The inscription reads: TO THE BRAVEST OF THE BRAVES. The girls presented the medal at a private home in a ceremony witnessed by the entire delegation. Touched by the gesture, Petalesharro clutched the medal and said: "I am glad that my brothers and sisters have heard of the good act that I have done. My brothers and sisters think that I did it in ignorance, but I now know what I have done."

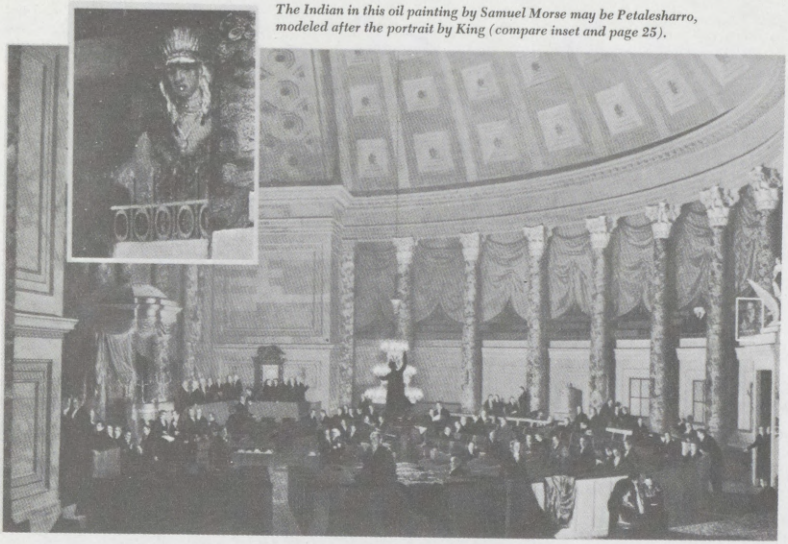
Perhaps the best indication of the delegation's popularity was the requests from prominent artists for the Indians to sit for portraits. The celebrated John Neagle painted Sharitarish, Choncape, and Petalesharro when the delegation visited Philadelphia. Samuel F. B. Morse, better known for his inventive genius, included Petalesharro's portrait in his monumental "The Old House of Representatives," which he painted in Washington in 1822. Since Morse hoped to stabilize his shaky financial resources by taking this painting on tour and charging admission, he obviously tried to capitalize on Petalesharro's popularity by placing him in the House gallery watching the preparations for an evening session. Interestingly the solitary Indian, identified only as "Pawnee Chief" in Morse's key to the painting, closely resembles the portrait of Petalesharro by Charles Bird King.

King, a fine artist who included among his patrons such eminent statesmen as Calhoun, Monroe, John Quincy Adams, and Henry Clay, is probably best remembered for his many Indian portraits. His first were of the Indians with O'Fallon. King painted them at the urging of Thomas L. McKenney, superintendent of Indian trade, who wanted the portraits for the American Indian archives he had established in his Georgetown office. The Indians were so pleased with their likenesses that they asked for personal copies. Altogether, King received three hundred dollars from the federal government for twenty-five portraits of the O'Fallon delegation. Seventeen went with the Indians, eight went to McKenney's archives and were burned in the Smithsonian Institution fire of 1865. The artist, however, made a number of copies for his own use, including the portraits of Petalesharro, Sharitarish, Eagle of Delight, Shaumonekusse, and Monchonsia, which were presented to the White House in 1962 by the employees of Sears Roebuck and Company.

The delegation remained in Washington until the end of February; the King portraits evidently were the last order of business. For the return trip the party used commercial transportation; O'Fallon had auctioned away the horses and wagons shortly after the Indians returned from their eastern tour. From Washington the delegates traveled by stagecoach to Wheeling, where the agent bought a flatboat that carried them to Louisville. There they booked steamboat passage—appropriately on the *Calhoun*—to St. Louis, arriving April 5. O'Fallon reported they were "all in fine health and spirits, and most favorably impressed with the strength, wealth, and magnanimity of our Nation"—an impression enforced by the seventeen hundred pounds of presents they brought home.

When the Indians reached their respective villages, they found that they had long since been given up for dead, and their unexpected arrival touched off widespread rejoicing. O'Fallon, however, had little cause for celebrating. The agent had lost a horse and his "most faithful and valuable servant," who had drowned while swimming across the swollen west fork of the Grand River. Furthermore, he claimed to be suffering "worse from fatigue and exposure than I had ever experienced before."

Although the delegation's visit cost the federal government $6,085, it was considered money well spent, as this editorial from the Washington *Gazette* indicates: "The object of their interesting mission, we believe, has been fully accomplished: these aborigines are deeply impressed with the power of the *long-knives*, that for the future the *tomahawk* will not be *raised* with their consent, against their white brethren." And the tribes from which the delegates came did remain re-



The Indian in this oil painting by Samuel Morse may be Petalesharro, modeled after the portrait by King (compare inset and page 25).

"THE OLD HOUSE OF REPRESENTATIVES," CORCORAN GALLERY OF ART

markably peaceful as the inexorable tide of white settlement reached the headwaters of the Missouri.

What became of the delegates? Eagle of Delight died of measles within weeks of her return from Washington. The grief-stricken Shaumonekusse vowed to fast to death, but friends forced him to eat, and he lived to become head chief of the Oto. In 1823, upon the death of his brother, Sharitarish became chief of the Grand Pawnee, only to die himself within a year. The Pawnee chief Peskelechaco died in 1826, killed while leading a counterattack against an Osage war party that had raided his village. Petalesharro lived until 1841, becoming one of the most respected and influential leaders of the Pawnee. For most of the delegates, however, the journey to see the Great Father must have been the high point of their lives. Thus, it is fitting that the five portraits now hang in the president's house for all Americans to see and to "reflect on the times that are past."

Herman J. Viola *is editor of* Prologue: The Journal of the National Archives, *and has performed extensive research on the work of Charles Bird King and the War Department Gallery of Thomas L. McKenney.*

BIBLIOGRAPHIC NOTE

In reproducing these eight portraits by Charles Bird King, THE AMERICAN WEST has reconstructed the nucleus War Department gallery that Thomas L. McKenney began in 1822. By 1840 it numbered more than 140 portraits. Although fire destroyed the gallery, King fortunately had made copies of many of the early portraits for his own use. The author, with the aid of a grant from the Penrose Fund of the American Philosophical Society, is trying to locate, identify, and catalog all extant versions, such as those that appear here. The magnificent "Young Omahaw, War Eagle, Little Missouri, and Pawnees," the only known group Indian portrait by King, appears to have been a studio study, perhaps painted after the delegation left Washington. It was not a part of the War Department gallery.

The story of the O'Fallon delegation was gleaned primarily from official records in the custody of the National Archives and Records Service. Most pertinent were the letters relating to Indian affairs received and sent by the secretary of war, Treasury reports, and records of the Office of Indian Trade. The archival sources were supplemented by contemporary newspapers, *Records of the Columbia Historical Society*, W. Faux's *Memorable Days in America*, and the three-volume *History of the Indian Tribes of North America* by McKenney and James Hall, which provided biographical sketches of seven of the delegates.

Mr. ZIMMERMAN. This District of Columbia government also seems unaware that their offer to sell the property to our corporation is made without substance, the property under discussion being controlled by Public Law 86–216.[2] Until that law is repealed, as it is in the legislation before you, or interpreted by the courts in the District's favor, the District of Columbia is estopped from disposing of the property in any manner except as permitted by Public Law 86–216.

Unfortunately, the District government seems to think that by saying that the property under discussion has reverted to them under provisions of Public Law 86–216 and is no longer controlled by that law, it is sufficient for a reversion to take place. This is not the case in law.[3]

We find then a situation where the District of Columbia has offered to sell to us a property that they cannot by law now dispose of, forgo an advantage which is clearly not advantageous, and for the past 26 years has avoided taking the necessary simple actions which would have allowed them to sell the property to realize needed revenues.

It seems obvious, then, that even with the stiff conditions of conveyance, a time limit on our action, and two conditions of reversion, all in favor of the District, that the District government wishes to create a situation whereby our corporation must either purchase the property, or the District will attempt to sell it into what is probable destruction.

This is indeed a strange position for the same government which placed the building on the National Register of Historic Places to be preserved.[4]

Finally, the District's obvious pro forma objection to our tax-exempt status called for in the legislation, section 4, S. 3530, H.R. 2895, must be seen as just that since we are exempt under the provisions of 501(c)(3) of the Internal Revenue Code, as well as having been determined to be a bona fide charitable and educational institution.

We appreciate the District's desire to be permitted to judge who is, and who is not, exempt from taxation, but feel in this case that our application and subsequent exemption by the District would only serve to delay the restoration of the property and the implementation of our planned programs.

I would like to place in the record, at this point, a case statement.

Senator TUNNEY. It is so ordered.

(The case statement follows:)

A CASE STATEMENT—THE NATIONAL FIREFIGHTING MUSEUM AND CENTER FOR FIRE PREVENTION, INC.

An ounce of prevention is worth a pound of cure. . . .

BENJAMIN FRANKLIN.

(From his article on fire prevention, Philadelphia Gazette, February 4, 1735.)

PREFACE

It seems elementary that the best way to fight a fire is to prevent one. Yet the annual loss of billions of dollars and thousands of lives underscores public apathy toward this idea.

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[2] See p. 44.
[3] See Dawson & Dawson letters to John D. Zimmerman on pp. 117–121.
[4] See pp. 76.

During Fire Prevention Week, commemorating a fire causing $175,000,000.00 in damage and nearly 300 deaths, tons of fire prevention information is distributed by insurance companies, associations and fire departments; civic groups initiate fire prevention programs and schools hold extra evacuation drills.

Most of our citizens, after opening one eye in the direction of this annual activity, settle once again into their usual complacent attitude toward a menace which will damage or destroy, in the next 12 hours, over one thousand homes, one hundred factories, one hundred stores, twelve hospitals, ten schools and nine churches.

It is not then a *lack* of fire prevention information which permits twelve thousand deaths annually in our country, nor is the *enforcement* of fire safety laws faulty when billions of property dollars are lost.

Fire prevention information is ignored as is any warning of danger where punishment for ignoring such danger does not seem immediate and pressing.

In order to overcome this "it can't happen to me" feeling present in all of us, a stimulus is needed—some method by which we can allow ourselves and our children to recognize fire dangers; to recognize their terrible consequences and to take preventive measures. It is our purpose to make that stimulus pleasant and easily remembered. It is our intention to provide an answer to apathy in the form of a National Museum of Firefighting and Center for Fire Prevention in the Nation's Capital.

If a single member of a family is impressed with the need for his *active* participation in fire prevention, either through a visit to the museum or through our planned nation-wide programs, the possible gain in lives and dollars saved would be far greater than any contribution we might ask.

STATEMENT OF PURPOSE

The purpose of a museum is best described by the motto of the Smithsonian Institution, "For the increase and diffusion of knowledge among men." There are at least a dozen museums in the United States dedicated to the history of firefighting. To our knowledge ours is the only one whose expressed purpose is to *combine* those facilities found in any museum with the presentation of fire-prevention information to an audience surrounded by visual stimuli.

It is this educational purpose which makes our museum unique

We anticipated that such a museum would serve the people of the Nation's Capital, the 300,000 elementary school children of the surrounding counties, and the tens of thousands of visitors from the United States and foreign countries who visit Washington each year.

There will be no charge for admission.

THE PROGRAMS

Our educational programs would initially combine elementary school visits, with post-visit curricular activity, designed to take maximum advantage of the museum impact. An advantage to these visits is that presentations can be tailored to the needs of each class. There are certain important differences in prevention and escape procedures in urban as opposed to suburban settings.

It is our feeling that the mere breaking down of Fire Prevention information into regional or area segments could make some impact in the ability of the regional groups to carry it out.

Forest fire prevention is hardly applicable to an urban-inner city child who may never see a forest—much less have the opportunity to go camping in our great wilderness.

Another program is that of using the museum as a device to strengthen the bonds between the firefighter and the child. Instruction could be given firefighters in the art of entertaining groups of children, and the children having visited the museum could go to their local firehouse to discover that fire prevention of an earlier day is applicable to them *now*.

In the 1880's children had great pride in their local fire house, and were said to "run with 8" an indication of their loyalty to a particular fire company. Let us revive that feeling of comradeship on the part of the firefighter and the child.

As an adjunct to the "run with" program a badge could be given to each child which he or she could show when visiting their local company. The badge would identify the children to the firefighters, showing that these badge holders have been to the museum and have been instructed in how to behave in a modern house.

This might alleviate some fear on the part of a modern firefighter coming back from a run that his shoes will have been stolen by neighborhood children.

In addition we would like to implement a program which we have already developed: that of preventing fires by giving away matches.

Fires started by children playing with matches during March and April of 1969 resulted in: Twenty-one deaths, eight burn injuries, fifty-eight homes damaged or destroyed, and twenty-one other fires.

In nearly all cases of damage to homes the children had "just found the matches" and set the fires while adults were present in the household! Obviously matches cannot be outlawed—but the advertising space on them can be used.

We suggest distributing an initial 40 million non-burnable matchbooks in the northeast corridor of the United States bearing only the message: These are not for children! Our contacts with the match companies could guarantee complete coverage—through every vending machine, supermarket, drugstore and tobacco shop from Washington to Boston.

If the message reminds only a handful of parents to put our matches out of easy reach—perhaps we would not see 10 children a month burn to death!

Our teaching, talking fire engine is another educational aid—an old horse drawn steamer with speakers mounted in the main suction hose telling grade-school children about fire prevention, talking directly to them, answering questions, asking their names, becoming a friend.

Surely it is not beyond the realm of possibility that a child could help his brothers or sisters escape from a fire "because the talking fire engine at the museum told me how!"

These are a few of the possibilities made easier by the introduction of a positive stimulus into the field of fire prevention. Some of our programs will be new, some used many times in the past; the museum will add impact to revive the old ones and the catalyst to produce the new.

THE FACILITY

There is at present a bill pending before the Congress of the United States: H.R. 2895 introduced by Congressman John McMillan, D.-S.C. The bill provides for the conveyance of a late 19th century firehouse, conveniently located in the Nation's Capital, to The National Firefighting Museum and Center for Fire Prevention, Inc. This building will house our collections and act as headquarters for our fire prevention programs.

The structure named in this bill was originally erected in 1796 as The Bank of Columbia, George Washington being a director, and was used for that purpose until 1807 when the Bureau of Indian Trade occupied the premises. The Government of the City of Georgetown purchased the building as a City Hall in 1845 and held it with only minor interruption until 1871 when Georgetown was absorbed into the District of Columbia. In 1883 the District of Columbia Government remodeled the property into Engine 5 of the District of Columbia Fire Department and it remained as such until 1940. Since 1940 the property has been used for various storage purposes, the last being a garage for garbage trucks.

Our plan is to restore this structure as a firehouse of the 1880's with live horses displayed in the stalls still existing in the rear; recorded presentations of the excitement in an old firehouse being heard by visitors, and guides could come sliding down one of three brass poles to greet the children.

The curator's office might be furnished as a fire chief's office of the victorian period, acting as a display area at all times.

The estimated cost of complete restoration of this historic structure is $155,000. The building is now vacant. Property for expansion is possibly available, so that eventually the complex could contain over 150,000 square feet of exhibit space.

THE COLLECTIONS

The Museum will house antique fire apparatus and equipment of American manufacture or use, produced prior to 1930, although exceptions can be made if a piece is of particular historic interest.

In the past year we have been advised of the location of nearly thirty pieces of antique fire apparatus and need only to acquire a storage facility to accept them.

In addition there are thousands of paid and volunteer fire brigades in the United States, nearly all having some piece of firefighting memorabilia which could be lent or donated.

The library will collect periodicals, brochures, pamphlets and books dealing with fire prevention and firefighting to be used as study material for students as well as the development of our own publications. Library items have already been donated by the District of Columbia Fire Department and the Maryland Casualty Company, among others.

Other than transportation and insurance of the artifacts, there will be no expenditure of funds for the collections.

STAFF

The original staff will consist of a Director of Museum Activities, an Administrative Assistant, a Secretary and a Museum Aide for Maintenance.

Guides will be recruited during the school year from the local universities whose class schedules permit part-time work and during the summer months from elementary school teachers not holding other summer jobs.

All of the Museum Staff will wear antique fireman's uniforms and badges indicating authority, to act as a deterrent to possible damage and eliminating the necessity of a uniformed full-time guard.

Legal and accounting services will be supplied by outside firms.

Total staff salaries will be approximately $50,000 per year

COSTS AND BUDGET—ESTIMATED 3-YEAR OPERATIONAL BUDGET

	1st year	2d year	3d year
Administrative staff:			
Director	$12, 500	$13, 500	$14, 500
Administrative assistant	9, 500	9, 700	9, 900
Secretary	7, 500	7, 700	8, 000
Aide	6, 000	6, 200	6, 400
Part-time guides (4)	7, 000	7, 050	7, 150
Contractual services	6, 000	6, 500	7, 000
Other fees and incidentals	4, 000	3, 000	3, 000
Total	52, 500	53, 650	55, 950
Administrative expenses:			
Travel and per diem (educational)	6, 000	5, 000	4, 000
Rent and taxes	0	0	0
Communications	4, 000	2, 000	2, 000
Office supplies	3, 000	3, 000	2, 000
Legal and accounting fees, insurance, etc	6, 000	6, 000	6, 000
Total	19, 000	16, 000	14, 000
Operations and programs:			
Programs	50, 000	50, 000	50, 000
Publications and library	10, 000	10, 000	8, 000
Transportation and insurance (artifacts)	4, 000	4, 000	4, 000
Maintenance equipment and supplies	3, 000	2, 000	1, 000
Total	67, 000	66, 000	63, 000
Total: Capital (restoration and setup)	155, 000	(1)	(1)
Other	138, 500	135, 650	132, 950
Grand total	293, 500	135, 650	132, 950

[1] No capital outlay expected.

Note: Total 3-year fire losses (estimated) in the United States, $5,250,000,000; total 3-year budget for a facility to help prevent them, $562,100.

CORPORATE STRUCTURE

The National Fire Fighting Museum and Center for Fire Prevention, Inc. is a non-profit corporation formed under the "Non-Profit Corporation Act" of the District of Columbia.

The Corporation has tax-exempt status under the provisions of 501(c)(3) of the Internal Revenue Code. All possible donors will be supplied a copy of our tax-exempt letter upon request.

All monies solocited by and received for the work of the National Firefighting Museum and Center for Fire Prevention, Inc. shall be expended solely for the programs and purposes of the Corporation. At the end of each annual accounting period the books of National Firefighting Museum and Center for Fire Prevention, Inc. shall be audited by an accepted accounting firm and their report shall be submitted to the Board of Trustees. Donations for the support of the Cor-

poration will be accepted from the United States and local governments, foundations, private industry and individuals. The Corporation may, however, refuse any donation which might commit it to a course of action not consistent with the objectives and principles of the Corporation, or which tends to endanger the tax-exempt status provided under 501(c)(3) of the Internal Revenue Code.

The Board of Trustees will be selected by the interim board of trustees now being formed. As in the case of interim trustees, the Board will consist of persons well qualified by training or experience to carry out the programs and purposes of the Corporation. They shall be selected to provide representation from organizations and individuals concerned with fire prevention and fire safety.

In addition to the Board of Trustees an Advisory Council is being formed, which although having no vote in the affairs of the Corporation will exert strong influence in assisting the Trustees as regards fire research, safety, control or prevention; advisors will be drawn from Federal, State and local governments, industry, labor, educational institutions and trade associations.

CONCLUSION

The most obvious solution to the problem is usually the most elusive—and the key in fire prevention is to overcome public apathy.

The museum has been generally accepted as an effective educational device, and the introduction of "unpopular" information with the excitement of firefighting, live horses, and fire dogs, can go a long way in "selling" fire prevention—which for its length of time on the market has had remarkably few buyers.

The huge losses of life and property each year are a drain on our economy, our industry and our chances of human progress; they are suppliers of grief, suffering and misery.

The National Firefighting Museum and Center for Fire Prevention, Inc. feels that we can offer a far greater return on the fire prevention dollar than has ever before been realized.

We solicit your support.

Mr. ZIMMERMAN. In addition, the legislation clearly states that the existing District Code shall apply with regard to the exemption granted us by the legislation, and therefore we beg that section 4 be retained.

I ask that the prepared statement of Mr. James G. Aldige III, be entered in the record.

Senator TUNNEY. I so order.

(The prepared statement follows:)

PREPARED STATEMENT OF JAMES G. ALDIGE III

I am James G. Aldige III, employed by the Richad A. Viguerie Co., Inc., a professional Direct Marketing and Fund Raising organization. I have come here today at the request of the National Firefighting Museum to discuss potential fund raising necessary to the end of carrying out provisions of the proposed legislation.

I have told Mr. Zimmerman that in my professional opinion, it is highly unlikely that sufficient funds could be raised for restoration of the property mentioned in the legislation, without first gaining the property through legislation. Potential donors would naturally be wary of contributing to a restoration project such as this without first having some indication that their money could be used for the project. It will be essential that conveyance of the property be made to the National Firefighting Museum in order to conduct a successful fund raising program for restoration and rehabilitation of the property.

While in reality these bills do not convey title to the National Firefighting Museum until the funds are assured, the potential for raising those funds would be increased many times over should legislation be passed.

I have no doubt that based on the historic value of this property, as well as the intended use for educational purposes, that adequate funds could be raised, from firefighters, insurance companies, industry and private foundations, not only for the restoration and maintenance, but also for the purpose of executing and carrying out of the programs as set forth by the non-profit corporation.[5]

[5] See case statement on pp. 117–121.

Mr. ZIMMERMAN. Mr. Chairman, our retired chief of the District of Columbia Fire Department would like to give a statement.

STATEMENT OF HUGH A. GROVES, RETIRED CHIEF, DISTRICT OF COLUMBIA FIRE DEPARTMENT

Chief GROVES. Good morning, Senator Tunney. I am Hugh Groves, retired chief of the District of Columbia Fire Department.

You will find in a previously submitted document [6] a plan to turn one of the most historic buildings in this city into an educational museum for the introduction of fire prevention information to elementary school children.

I became aware of this project when I met Mr. Zimmerman in 1968, when I was fire marshal of the District of Columbia; and as fire chief, it was I who suggested the use of old engine 5, the property under discussion today.

I know of few people, in my long experience in the fire service, who have shown such tenaciousness of purpose or self-denial in the pursuit of a project to which I give my full and unqualified support.

I have told Mr. Zimmerman that I will serve in any capacity I can to assist his corporation in establishing the National Firefighting Museum and Center for Fire Prevention in the Nation's Capital, and feel that I can express to you at this time my confidence in the success of the proposed museum, should the legislation before you pass.

I support the passage of either S. 3530 or H.R. 2895. Thank you.

Senator TUNNEY. Thank you very much for your testimony, gentlemen. I think it was very convincing.

We are going to have a vote. We have a vote going on now. I am going to have to leave in a minute or two, when the 5-minute bell sounds, so that I think we might as well agree that when the bell rings, we will adjourn the hearing. I think you have made your point very clear. I would like to say that in all probability, what the city is attempting to do, which is something if I were with the city, I would be attempting to do, which is to shake the money tree of the Congress. Inasmuch as they realize, in all probability, that this legislation will go through, they would just like to be able to collect some loose money that might be lying around.

I favor the legislation. I think it is good.

With respect to shaking the money tree, I have not quite made up my mind on that. I recognize the problems of the District of Columbia. I realize the District does not receive adequate compensation in my mind from the Federal Government. Although tourists are very helpful to the District, by spending money here, they also require substantial additional services as well. I realize the Disrict is in very poor financial straits.

But your position is very clear; with your submissions, I think you have a good record and you have convinced me.

Mr. ZIMMERMAN. Thank you, Senator Tunney. I hear the bell, and we thank you very much for the opportunity to testify.

Senator TUNNEY. Thank you. The committee stands in recess.

(Whereupon, the committee was adjourned at 11:15 a.m.)

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[6] See case statement on pp. 117–121.