

**DISTRICT OF COLUMBIA
APPROPRIATION BILL, 1920, HEARINGS
BEFORE THE SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE, 66TH
CONGRESS, 1ST SESSION, ON H. R. 4226**

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UNITED STATES APPROPRIATIONS COMMITTEE

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DISTRICT OF COLUMBIA APPROPRIATION BILL, 1920.

WEDNESDAY, JUNE 11, 1919.

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

The subcommittee met at 10 o'clock a. m.

Present: Senators Curtis (chairman), Jones of Washington, Sherman, Hale, Phipps, and Harris.

Also, Louis Brownlow, president of the Board of Commissioners of the District of Columbia; W. Gwynn Gardiner, commissioner of the District of Columbia; Lieut. Col. Charles W. Kutz, Corps of Engineers, United States Army, engineer commissioner of the District of Columbia; Alonzo Tweedale, auditor; and Daniel E. Garges, chief clerk, engineering department.

The subcommittee thereupon proceeded to the consideration of the bill (H. R. 4226) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes.

STATEMENT OF LOUIS BROWNLOW, W. GWYNN GARDINER, AND LIEUT. COL. CHARLES W. KUTZ, CORPS OF ENGINEERS, UNITED STATES ARMY, COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The CHAIRMAN (Senator Curtis). Gentlemen of the commission, I should like to have you simply go over the bill first and point out the matters that were left out that you would like to have put in. I do not care to have you review the whole matter. Your testimony has been read. If you will point out the items that you think ought to be put in, we should like to have you do that.

Commissioner BROWNLOW. We will go through and call attention to those things that were omitted by the House, and also those Senate items that were omitted by the House that we would like to have retained.

Senator CURTIS. Yes; not those that you would like to have, but those that are necessary. Those that you would merely like to have we want to leave out, unless you need them.

Commissioner BROWNLOW. Even in the few supplemental estimates that we submitted we were not governed by our desires, but by what we conceived to be the necessities.

The first thing we desire to call attention to is on page 3.

GENERAL EXPENSES.

BUILDING INSPECTION DIVISION.

Col. KUTZ. Under the head of "Building Inspection Division," we ask that the appropriation for temporary employment of additional assistant inspectors be increased from \$1,500 to \$1,800. That increase was allowed by the Senate last spring, and the need is greater

than ever, on account of the vastly increased amount of building that is now in progress.

Senator CURTIS. On account of the great increase in the number of buildings?

Col. KUTZ. Yes, sir; on account of the great increase in the number of buildings being erected.

FEEs FOR INSPECTING ELEVATORS, ETC.

Commissioner BROWNLOW. At the bottom of page 3 there is a provision which last year passed both Houses, but was thrown out on a point of order in the House this year. It simply provides that the commissioners may collect fees for inspecting passenger elevators, hotels, public halls, moving-picture shows, etc. That is something that we did for many years under a commissioners' regulation, but a decision in court decided that we could not do it without congressional authority.

Col. KUTZ. It is a matter in which the commissioners have no special interest. If the fees are collected, the service is self-supporting. If the fees are not collected, the entire burden is paid out of the Treasury.

Senator CURTIS. And you collected them until the Willard Hotel brought a suit against you in court, and the court decided that under existing law you had no right to charge fees, as I remember the hearings last time?

Col. KUTZ. Yes, sir.

Senator CURTIS. Go ahead, gentlemen.

CARE OF DISTRICT BUILDING.

Col. KUTZ. On page 4, under the heading "Care of District Building," the commissioners, when before the House committee, called attention to the fact that in the three engine rooms of the District—that is, the District Building engine room, the engine room at the sewage pumping station, and that at the Water Department pumping station—the wages of the engine-room employees as fixed on the statutory roll were so low that during the law the commissioners were compelled to disregard the statutory rates and employ engine-room personnel on a per diem basis. We ask, in advance of action by the congressional investigating commission, that consideration be given at this time to continuing these employees at their present rates of pay. In other words, if we put them back on the statutory roll on the 1st of July and give them in addition to that only the \$240 bonus, their compensation will be in many cases from four to five hundred dollars a year less than they are now receiving, and it will be simply impossible to hold them in their positions.

We suggested to the House committee two methods of accomplishing this: One, in case the committee did not desire to increase the statutory salaries, that they strike the positions from the statutory roll, and simply increase the lump-sum allotment for the maintenance of these buildings or stations for the present year, with the expectation that before another year elapses the congressional commission will fix what was a reasonable rate for these employees.

Senator CURTIS. What salaries do you refer to in this item on page 4?

Col. KUTZ. The items were three assistant engineers, two dynamo tenders—

Senator CURTIS. What lines?

Commissioner BROWNLOW. Lines 10, 11, and 12.

Senator CURTIS. The three assistants were raised to \$1,200. What are you paying them now?

Col. KUTZ. We are paying them \$1,400 per annum, and in addition to that they get the \$120 bonus, making \$1,520.

Senator CURTIS. And with the bonus they will get \$1,440?

Col. KUTZ. As raised by the House.

Senator CURTIS. What is the next one?

Col. KUTZ. The next item is two dynamo tenders in line 11, now getting, including the bonus, \$1,220. The House merely changed the amount from \$875 to \$880. Together with the bonus, they would get \$1,120 against \$1,220.

Senator CURTIS. Then, if that is increased to \$980, they would get—

Commissioner BROWNLOW. The same.

Col. KUTZ. Yes, sir; we suggested that the three assistant engineers be placed at \$1,280, the two dynamo tenders at \$980, and the electrician's helper at \$880, because with those rates and the bonus added they will get just what they are getting to-day.

Senator CURTIS. What is the other change you recommend? You said something about \$880. I did not catch that exactly.

Commissioner BROWNLOW. That was the electrician's helper. The House put that at the figure we suggested.

Senator CURTIS. Then those two changes are all you want?

Col. KUTZ. Yes, sir.

Senator CURTIS. Go ahead.

Col. KUTZ. In presenting this item to the committee last spring, the commissioners asked for an additional employee, that of store-keeper, care of District Building, at \$900.

Senator CURTIS. That was put in in the Senate; was it?

Col. KUTZ. That was put in in the Senate, but not by the House. The reasons are set forth in the hearings.

Senator CURTIS. There are three Senators here now who were not here before. You gave, as a reason for that, that they had 2,300 items of property to look after, and that it was necessary. That briefly states it; does it not?

Col. KUTZ. Yes, sir; and we do employ such a man now on a per diem basis, but it is a position of such a permanent character that we felt that he should be provided for in the way we suggest.

Senator CURTIS. Go ahead.

COLLECTOR'S OFFICE.

Commissioner BROWNLOW. On page 5 there is an item to which we wish to call attention under the collector's office. Commissioner Gardiner has not reached here yet, but I will take this up.

We estimated new, and there were omitted, as shown by the slip on the right-hand side of the page, for a chief bailiff and two clerks, at \$1,200, and a refund and certificate clerk, at \$1,400. We believe that

all of those employees are necessary, but we should like especially to urge the two clerks, at \$1,200. The business of that office has grown so greatly that it is not possible now adequately to serve the public, because we have not enough clerical help, and we should like to ask especially for those two clerks out of the four positions. All of them would be highly desirable, but the two I put in the category of necessary employees.

Senator CURTIS. That is because of the great increase in the amount of business done?

Commissioner BROWNLOW. The great increase in the amount of business done in the tax office, largely on account of the provision of the intangible-tax law, which requires a separate bill, and brings in about \$800,000 a year; but it requires separate billing, and has greatly increased the clerical work.

Senator CURTIS. It brings in how much?

Commissioner BROWNLOW. About \$800,000—to be more exact, \$880,000 this last year.

CORPORATION COUNSEL.

On page 6, under the office of the corporation counsel, I should like to call attention to two items. One, estimated new, is on the right-hand side—"Inspector of claims, \$2,000." We should like very much to have this man, who has been performing this service for a great many years, put on the annual roll. He is now paid from various appropriations. He is the man who inspects every claim for damages that is made against the District of Columbia. He earns his salary for us many times over, and we believe that it should be a permanent statutory position. The man in question has held the position about 10 or 11 years, and is a very valuable man; and we should like to get him on the regular establishment, instead of paying a part of his salary from the appropriations for the street department, sewers, etc.

Senator HALE. And it would not be any more money than he gets now?

Commissioner BROWNLOW. It would be no more money than he gets now, with the bonus he is getting.

Senator CURTIS. You put that in for \$2,000. You estimated \$2,000, and the Senate last time put it in at \$1,800?

Commissioner BROWNLOW. \$1,800.

Senator CURTIS. Would that be satisfactory?

Commissioner BROWNLOW. That would equal what he gets now with the bonus; yes, sir.

Senator CURTIS. All right.

Commissioner BROWNLOW. I should like, gentlemen, if the committee will indulge me, to ask for something in the office of the corporation counsel which is not estimated for, and that is another assistant at about \$1,500 for use in the police court. The assistant corporation counsel in the police court last year filed 29,000 informations.

The assistant district attorney in the United States branch of the police court filed 8,000 information. The assistant district attorney has an assistant. Our man has not. To handle 29,000 complaints and information, it requires that man to work all day, to work every

night, and it is impossible for him to give the work all the attention that he should give. He is assisted by two police officers, two privates, but they have no legal experience; and we should like very much to have an additional corporation counsel who would be assigned to the police court to assist that man.

Commissioner Gardiner, who has charge of that office, has now come in.

Senator CURTIS. How would you designate him?

Commissioner GARDINER. Assistant corporation counsel, only.

Senator CURTIS. At how large a salary?

Commissioner GARDINER. \$1,500 would be the minimum salary, and I believe that would be sufficient. They suggested \$1,800, but I went over the matter with the corporation counsel, and we believe we can get along with that.

Senator HALE. Where does he come along—seventh?

Commissioner BROWNLOW. He is seventh in the order of the bill.

Commissioner GARDINER. I have here a letter written to the corporation counsel by the young man who is now at the police court. If you prefer, Mr. Chairman, I will put this in the record of the committee, or shall I read it?

Senator CURTIS. You had better read it.

Commissioner GARDINER. Very well. [Reading:]

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 9, 1919.

HON. CONRAD H. SYME,
Corporation Counsel.

MY DEAR MR. SYME: Several times recently I have called to your attention the great increase in the work of the District branch of the police court, where I act in the matter of prosecutions as your assistant. The time has come when it is physically and mentally impossible for one man to longer properly handle the work of this office.

I attribute the increase in the work of this court mainly to three classes of cases—health, traffic, and the prohibition law. All of these are being strictly enforced. In the case of the health regulations, scores of new restaurants and lunch rooms have sprung up. Dozens of cases involving health ordinances are filed here daily. With the vast increase in the population of this District during the past year and a half have come hundreds of new residents who are the owners of automobiles. Others already residents have acquired automobiles. The old horse-drawn vehicle has given way to motor-drawn vehicles for commercial purposes. Thus traffic, while always a big problem, has become a greater one, and violations of the traffic regulations have increased by leaps and bounds, calling for hundreds of increased prosecutions in the District branch of the police court. The greatest increase, so far as time and preparation of cases are concerned, however, is under the local prohibition law. The penalty for the illegal sale of alcoholic liquor under the local law is such as to entitle the defendant to a trial by jury. Nine out of ten persons so charged demand jury trials. They do so, without question, in order to secure delay, well knowing the congested condition of the docket. While the number of cases of intoxication and disorderly conduct have decreased, the number of illegal sales of alcoholic liquor have greatly increased.

I may say that that is a volume of business in itself. Every man asks for a jury trial, in the hope that the delay may give him an opportunity to squeeze out, by absent witnesses or in some other way.

For the first four months of the fiscal year 1917-18, under the old excise law, where a license to sell alcoholic liquor was required, there were 23 violations of such law by illegal selling. For the remaining eight months of the fiscal year 1917-18 there were 600 informations filed in the District branch of the court for the illegal sale of alcoholic liquor. At this date 175 cases of selling alcoholic liquor where jury trials were demanded are pending. Many others had to be nolle prossed by reason of witnesses leaving the jurisdiction before the defendant could be brought to trial. This should not be. Hundreds, however, have been tried, convicted, and sentenced.

Another class of cases which I desire to call attention to is the preliminary hearings in colliding cases (traffic), which are held in this office at 1 o'clock daily. These number from 10 to 20 and more a day. It has become necessary for me to abandon entirely hearing these cases personally and place them for hearing in the hands of the two members of the police force detailed in this office as clerks. The public is entitled to have these preliminary cases heard by an assistant corporation counsel, but under the present conditions this is impossible.

That is not, I submit, a fair proposition to the residents of the District.

I let me compare, for your information, the District branch with the United States branch of the police court as concerns the number of informations filed in each branch, the revenue collected and the detail of assistants in the respective branches. The work of the assistant United States attorney at police court is similar to that of the assistant corporation counsel at the same court. The former conducts prosecutions in the United States branch and the latter in the District branch. There are two assistant United States district attorneys in the United States branch of the court as against one assistant corporation counsel in the District branch. The assistant district attorney is also assigned a stenographer. The assistant corporation counsel is not but does all his own stenographic work, fortunately being a stenographer. The two policemen detailed in the District branch as clerks are not stenographers nor are they versed in the law.

Informations filed in the United States branch of the court for the fiscal year 1917-18 numbered 8,644, as against 29,021 informations filed in the District branch for the same period.

Fines and forfeitures collected in the United States branch of the court for that period amounted to \$36,155.69, as against \$150,874.34 in the District branch.

With two assistant United States district attorneys, it is possible for one to be in court conducting prosecutions while the other is hearing complaints and preparing informations in his office. This can not be in the District branch with but one prosecuting officer. It is necessary that I constantly hear complaints from policemen and citizens, as well as heads of the various departments of the District government, and advise as to law and procedure. Thus, with the exception of jury trials, the court is compelled to hear the larger percentage of cases presented without the presence of a prosecuting officer. This should not be.

Comparison of the salaries of the assistant United States district attorneys at police court with that of the assistant corporation counsel shows that the basic pay of the chief assistant United States district attorney at police court is \$2,500, as against \$1,800 of the assistant corporation counsel. The assistant to the chief assistant receives a basic salary of \$1,700. The clerk of the court receives a basic salary of \$2,209.

With the work of the two branches of the court so similar and the District branch filing over three times as many informations as the United States branch, the need of an additional assistant corporation counsel at this court can be readily seen. This should be done in the interest of the District government and the general public. The compensation of the assistant corporation counsel here should also equal that of the chief assistant United States attorney at police court.

Very truly, yours,

RINGGOLD HART,
Assistant Corporation Counsel, Police Court.

The cases are more numerous in the District branch, because they are of a smaller character, as a rule. In the United States branch, in any felony there is only a preliminary hearing, the defendant being sent on for the action of the grand jury.

Senator HALE. How about these other assistant corporation counsel? Are they all busy, so that they can not do the work?

Commissioner GARDINER. Yes; they are busy at the various branches. For instance, we have one at the juvenile court. We have others in the office proper.

Senator HALE. They could not give any time to this work?

Commissioner GARDINER. They could not.

Senator PHIPPS. What is the present compensation of this man?

Commissioner GARDINER. \$1,800.

Senator PHIPPS. He is the fourth assistant?

Commissioner GARDINER. The fourth assistant.

ENGINEER COMMISSIONER'S OFFICE.

Col. KUTZ. On page 8, line 11, we have:

Steam engineers—principal, \$1,800; three at \$1,200 each; three assistants, at \$1,050 each, six oilers, at \$600 each; six firemen, at \$875 each.

These positions are in the same class with those in the District Building to which I recently referred, in that the statutory salaries were so low that during the war it was necessary to pay these men on a per diem roll out of lump-sum appropriations. We suggested to the House Committee that these statutory salaries be increased to the point that with the bonus that they will receive after July 1, \$240, their total compensation would be the same as it is at present. These employees, I may say, are at the sewage pumping station. The salaries suggested are, on line 12, in lieu of \$1,800, \$2,280—

Senator CURTIS. That, with the \$240 bonus would run this man's salary up over \$2,500?

Col. KUTZ. It would run it up to \$2,520, which he is now receiving.

Senator HARRIS. What do these men do, General?

Col. KUTZ. The principal steam engineer has charge of the sewage pumping station; the engineers have three shifts, one on each shift, and they are employed for seven days in the week. That is, it is a continuous employment.

Senator CURTIS. What about the next one?

Col. KUTZ. For the steam engineers, we suggest \$1,890 as the statutory salary, which, together with the bonus, will give them \$2,130, which they are now receiving.

Senator CURTIS. I have a note here of the "steam engineer, principal, \$2,280."

Col. KUTZ. Yes, sir; and then the next item is three at \$1,200.

Senator CURTIS. What about them?

Col. KUTZ. We suggest \$1,890 for those. We ask that the three assistants at \$1,030 be increased to \$1,650.

Senator CURTIS. Go ahead.

Col. KUTZ. We ask that the six oilers at \$600 be increased to \$1,080, and that the six firemen at \$875 be increased to \$1,250.

Senator CURTIS. Is that all?

Col. KUTZ. Yes, sir.

PUBLIC UTILITIES COMMISSION.

The next item is on page 9, under the Public Utilities Commission. At the time the commissioners appeared before the Senate committee in the spring the wish was expressed that the statutory roll be substituted for the lump-sum appropriation of \$33,000.

Senator CURTIS. That was done in the Senate; was it not?

Col. KUTZ. That was done in the Senate, but in a way that did not quite conform with the present needs of the commission; and we submitted to the House committee recently, and there is published in the House hearings on page 11 a list of the proposed designations and proposed salaries, aggregating \$32,920.

Senator CURTIS. What did you add to what was put in by the Senate?