

STATEMENT OF MR. HART T. MANKIN
BEFORE THE
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. Chairman, I am Hart T. Mankin. I am General Counsel of General Services Administration. In representing General Services Administration before you today I am directed by the Administrator of General Services, Mr. Robert L. Kunzig, to assure the Subcommittee of his desire that we in GSA provide all the information at our disposal and to render every possible assistance to the Subcommittee in the furtherance of its investigation on these matters in which GSA has a direct and vital concern.

Mr. Chairman, between 3:00 and 4:00 a.m. on the morning of September 19, 1969, a timed explosive device was set off on the 41st floor of the Federal Building and U.S. Custom Court at 26 Federal Plaza in New York City causing damage estimated at \$180,000. One week later a dynamite charge exploded in the Federal Building, U.S. Courthouse in Milwaukee, Wisconsin, causing an estimated \$100,000 damage. Over the weekend of February 28, 1970, the Selective Service State Headquarters Office located in the U.S. Post Office and Customhouse, St. Paul, Minnesota, was vandalized with damage to records, office machines, equipment and the premises estimated at \$100,000.

These and other incidents appear in the figures, statistics and information provided by GSA at the Subcommittee's request.

The Committee can examine the specifics of the incidences but I would like to point out some dramatic facts. Arsons and bombings of Federal buildings increased by 170% in fiscal year 1970 over 1969. Bomb threats increased 750% during that time and instances of vandalism increased by 139%. Other incidences including assaults, forced entry, demonstrations, increased at alarming rates. Damages to GSA properties from such incidences amounted to \$10,445 in fiscal year 1969 and increased 6,860% to \$728,219 in fiscal year 1970. These dramatic figures speak to the dimension of the problem that GSA has in this area. Neither these figures nor the fact that from January 1, 1970, through June 30, there have been 333 bomb threats in properties controlled and managed by GSA reflect the depth and extent of the Administrator's concern over these events which relate directly to his responsibilities, or the extent to which GSA is involved and the impact on its operations.

Included in GSA's many missions is the maintenance, operation and protection of the public buildings under its control, and providing the necessary quarters for the housing and conduct of the Government's business by the many and varied civilian agencies. Where space in Government-owned buildings is not available for an agency's use, GSA

obtains space in privately owned buildings by lease. Sometimes an entire building is leased. More frequently the lease will be for only a portion of the building area.

Management of those buildings and the space acquired for Government use is the responsibility of the Administrator. Inherent in that responsibility is the responsibility for protecting not only the property but its occupants.

The magnitude of this phase of this one mission is revealed in a few simple figures.

As of March 31 of this year, there were 2,813 properties operated/managed by GSA throughout the 50 States and the District of Columbia. Of these, 265 were buildings leased for total occupancy by Government activities. The remaining 2,548 are Government-owned. There were 506,047 occupants in these buildings. There were 7,425 leases of space, housing 249,099 occupants. Although this leased space is in buildings which are operated by the owners we cannot ignore the fact that there is Government property, in the form of records, equipment, etc., located in these offices and that some Government agencies occupying leased space have been the targets of the very things which are the subject of this investigation. The material which we have furnished to the Subcommittee shows that the perpetrators of these incidents are not respecters of property ownership.

In the discharge of his protection responsibility, the Administrator has some resources, although they are quite meager, in endeavoring to cope with the demands existing throughout the country today. What was adequate in the past no longer meets the requirements of the present.

One resource is the Administrator's authority to issue rules and regulations governing conduct in public buildings under GSA's charge and control. Such rules and regulations have been issued by the Administrator under his authority contained in Section 2 of the Act of June 1, 1948, 62 Stat. 281 (40 U.S.C. 318), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

The criminal penalties imposed by the June 1948 Act apply, however, only to property over which the Government has concurrent or exclusive legislative jurisdiction. The maximum penalty upon conviction is a fine of \$50 or imprisonment for not more than 30 days, or both, a so-called "petty offense". GSA considers the penalty to be woefully inadequate and would propose that it be increased to a maximum fine of \$500 or imprisonment for not more than 6 months, or both.

For property for which the Government has only proprietary jurisdiction the State criminal laws and penalties are applicable.

Section 1 of the June 1948 Act authorizes the Administrator to appoint uniformed policemen with enforcement authority over property where

concurrent or exclusive jurisdiction exists in the Government. These United States Special Policemen have the authority to make arrests for offenses committed on property having the requisite jurisdictional status.

For the majority of properties under GSA's control the Government has proprietary jurisdiction only and GSA guards can make only citizens arrests.

The second resource is the GSA guard force which numbers 3,531 special policemen and guards and includes 490 guards provided under contracts with private firms. This is a ratio of about 3 guards for every 2 buildings under GSA control. More than half of the guard force strength is located in the District of Columbia area where the largest concentration of public buildings exists. This means, of course, that for some 2,200 buildings which are widely dispersed throughout the country, after providing 24-hour daily protection in those cases where such is required, a great number have no guard protection and some have only a bare minimum.

A vivid illustration of the demands for protection for the buildings for which GSA is responsible is found in the number of demonstrations which have occurred at these buildings during FY 1970. Throughout the country 803 were reported involving an estimated 224,778 people.

It is quite apparent that the capability of GSA to control demonstrations without utilizing its third resource, namely the assistance of local authorities and other Federal sources, is virtually nonexistent, and protection of the physical property from damage is impossible.

Yes, GSA has a direct vital concern in the matter of property, real and personal, towards which acts of vandalism, arson and bombings, real and threatened, have been and are being directed. With the mission and responsibility I have outlined briefly, GSA is in the direct line of fire, so to speak.

Traditionally, the Government building, strong, sturdy, durable, and, hopefully, distinctive in appearance, is symbolic of the presence of the Federal Government in the community. It is the people's building and at the same time demonstrative of the Government's awareness of the needs and welfare of the people in the community who are being served. It is a place to which people can and should go with assurance of physical safety not only in the conduct of their daily business affairs but in times of emergency resulting from natural causes.

Today certain Government institutions, functions and activities have become symbolic of the objects of protest by individuals and groups

who exhibit no restraint or reluctance to resort to extreme measures in manifesting their dislike of the subjects of their protests.

We know what has happened at various Selective Service Offices.

We are aware of the threat to Internal Revenue Service installations last April 15. The reports of the conduct of the defendants, the participants and the spectators during the protracted trial of the Chicago 7 in our Federal Courts building filled the pages of newspapers and periodicals for weeks. Within the past 3 weeks attention has been focused on welfare offices here in the District of Columbia where violence has erupted several times. True, this is a local government function, but we must take cognizance of it.

The injection of the threat of manmade or man originated destructive forces as a means of accentuating the protestant's point of view or demands conjures immediately the grim spectre and awesome realization that human lives have become involved. Not just property, however valuable. Not just a few windows broken by rocks. Not just the nuisance of removing obscenities painted on the walls of the buildings which represent the strength and vitality of our Government. Not just a few offended dignities. Human lives; those of the Federal employees; the innocent public; can well be at stake.

The Administrator feels that we cannot sit still. Perhaps our fear is expressed in terms of what can happen or, as related to past events, what could have happened. The imagination of a fiction writer is not required to envision the consequences had the explosion of September 16, last year, in the Federal Building and Custom Court in New York occurred at 10 a.m. rather than about 6 hours earlier. As it was, this happened on a Friday morning and while the building was closed that day for safety precautions, emergency measures taken over the weekend enabled the building to be occupied on the following Monday with only one work day being lost.

This is why we cannot disregard a single threat when one is given. There is no question that most of the threats seemingly originate from pranksters or cranks. GSA simply cannot take a chance. That is why entire buildings are evacuated so many times when a bomb threat is given. As a means of disrupting the Government's operations, it is admittedly effective. In terms of estimating the cost to the Government of such disruption any figure given is a gross guess; however, we can estimate that the 6-month period beginning January 1970, which is the first period during which accurate statistics for evacuations were kept, costs of disruptions amounted to some \$2-1/4 million. Note that that figure represents 6 months only.

What was not publicized in the course of the Chicago 7 trial was that 40 extra U. S. Deputy Marshalls were needed constantly to maintain stable working conditions for the building occupants which include other agencies in addition to the Federal Courts. Elevators were jimmed out of service; utilities disrupted; driveway entrances blocked; and above all there was insidious threat of damage and mayhem from explosive devices.

A simple illustration of impact on GSA's operations exists today in Lafayette, Indiana.

There, on November 17, 1969, a building leased by GSA for the sole occupancy of the Selective Service Office was destroyed by arsonists. The office was reestablished in the National Guard Armory temporarily until new permanent quarters could be obtained. In the face of threatened cancellation of insurance coverage with Selective Service as a tenant, the owners of property available for single tenancy refuse to lease. Owners of multi-tenancy property refuse to jeopardize not only their property but their other tenants.

Just very recently a property owner was persuaded to lease his property for this Selective Service Office use. The night before he was to execute a lease, a military recruiting office was burned out. We are still looking for space to relieve the growing intolerable situation at the Armory.

To varying degrees the Lafayette situation exists as to Selective Service offices in many other locations. Selective Service occupies space, some leased and some Government-owned, in 2,631 buildings throughout the country. GSA is having to reexamine its entire program for housing the Selective Service offices. This may mean replacing present occupants of Federal buildings with Selective Service offices as leases for its space expire or owners exercise cancellation rights. A costly and disruptive operation. Not the least disconcerting is that there are many locations where there are no Federal buildings.

Mr. Chairman, these are some of the matters of concern to the Administrator which find roots in the subjects of this investigation. We want to be of assistance and will respond to the utmost of our capability and resources to any requests the Subcommittee may make.

Thank you.