

a legal hassle that might taken 10 years to resolve and, in the meantime, we are sitting here with a big visitors facility and no way to carry the visitors.

Mr. AVERY. I have the same concern. You ought to be sure all legislation you pass should not be subject to that.

I might add, it is not just the Commission that is involved there; there are any number of parties who could bring that litigation. D.C. Transit could start that litigation and the Commission could find itself in the middle of it willy-nilly. You might say, you, the Commission, understands what we want to do and therefore you had better not start any litigation; but that would not solve the problem. Anybody that would be adversely affected could probably think of a way to start the litigation.

I am sure D.C. Transit could think of a way to start the litigation.

Mr. GRAY. They have a financial interest and your Commission should have the public interest.

Mr. AVERY. Yes, sir.

Mr. GRAY. There may be a big difference between a financial interest and public interest.

Mr. AVERY. What I am suggesting is if you are not careful in just how you draft it, you may find yourself in the position of what you talked about.

Litigation is over now. The issue is settled. I hope the Secretary will now come to us and apply for a certificate for the Mall service and the problem is over and we can get going on it.

Mr. GRAY. I certainly want to commend you for your interest in defending your Commission, I think it is admirable, although I cannot agree with all of your statement. I think the public interest is paramount to some of the statements you made here about regulation, but we certainly want to commend you for coming and for taking this interest in behalf of your people. It is very admirable.

Mr. AVERY. Thank you very much.

Mr. GRAY. Any other questions or comments?

Thank you very much, Mr. Avery.

Mr. AVERY. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you.

Mr. GRAY. Our next two witnesses are very distinguished attorneys in the District of Columbia, Mr. Manuel J. Davis and Mr. Donald S. Dawson.

Will you please come forward.

Mr. Dawson is special counsel for the D.C. Transit System, Inc., representing Mr. O. Roy Chalk, president of the D.C. Transit System, Inc., and Mr. Davis is counsel of the D.C. Transit System, Inc.

I want to apologize profusely to both of you gentlemen for being tardy in getting you on. I know you both had commitments early this morning and we appreciate very much your patience. But we hope maybe the colloquies that have taken place just preceding your testimony may be a little enlightening to you gentlemen—I did not say “agreeable”; I said “enlightening.”

We are delighted to see both of you here. You may proceed in your own fashion.