

Mr. WRIGHT. I see. Now, just as a practical matter, laying aside for the moment the legal questions involved in the compact and the jurisdiction of the Commission—I tend to disagree just as a legal matter. I think the Congress probably has a right to exempt a certain route, but let's lay that aside and not argue that point here. I do not think we want to get into that or we would be here all day.

Do you think, just from the standpoint of business, that D.C. Transit could make money on a separate route of the type we described earlier in this hearing distinguishing it from your regular D.C. Transit System, and perhaps not interchangeable with it by means of transfer?

Mr. DAWSON. Yes, sir, Mr. Wright. I think the company could make money and I am sure Universal contemplates making money.

Mr. WRIGHT. Let us assume that the Commission had heard the application of Universal, it being a successful bidder in this instance with the Interior Department. And let us assume further that the Commission had granted to Universal this certificate of convenience and necessity. Would you then feel that that constituted an infringement of the franchise?

Mr. DAWSON. I would say, Mr. Wright, that the Commission must make its determination on the basis of the evidence presented as to whether the convenience of the public will be served, and that the Universal company would have had to make that showing. And if it were shown that D.C. Transit could not provide that service under its franchise, the Commission might well decide that the public would be served better by Universal.

Mr. WRIGHT. The Commission might so decide. Let's assume the Commission had so decided. Would it be your position as the attorney for D.C. Transit that the Commission's action was final? Or would you, in that instance, have felt that you might have cause for action on the grounds of infringement of your franchise?

Mr. DAWSON. There is always a right of appeal to the courts, so we might have that opportunity.

Mr. WRIGHT. I suppose what we come to is that we have two separate and distinct acts of Congress: One by which we agreed to the compact, and the other the act of 1956 by which we granted the franchise to D.C. Transit.

Now, do you think it is not a sufficiently established principle of law that an act passed subsequent to an earlier act and specifically repealing all acts or parts of acts in conflict therewith is adequate to establish the primacy of the latter act?

Mr. DAWSON. That is a general rule of law. I do not think it would be applicable with respect to unilaterally modifying the compact without observing the terms of the compact.

Mr. WRIGHT. Do you think it would be adequate with respect—

Mr. DAWSON. I do not think, Mr. Wright, in good conscience, the Congress would want to lightly derogate its obligation under the franchise.

Mr. WRIGHT. I quite agree with you on the question of conscience and the question of good faith and so forth. But we got into a legal discussion awhile ago, and I am not sure it is a good thing for us to pursue it in great depth here, but I am trying to find a way out.