

cause property damage or disorder which would constitute a breach of the peace unless the person requesting such permit posts a bond in an amount determined by such officer or employee as will cover the estimated cost of—

- (1) damage to property; and
- (2) equipment and personnel needed to maintain order, excluding such equipment and personnel as are needed to route traffic and to protect those parading.

SEC. 2. (a) If the conditions of such permit are violated, the issuing officer or employee shall immediately revoke such permit, and the person to whom such permit was issued shall declare such parade at an end and shall actively cooperate in the dispersement of such parade.

(b) Failure by the person to whom such permit is issued to comply with the requirements of subsection (a) shall result in forfeiture of the total amount of the bond.

SEC. 3. The term "parade" includes march, demonstration, or other assemblage.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, May 10, 1968.

The Honorable JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia,
United States House of Representatives, Washington, D.C.

DEAR MR. McMILLAN: The Government of the District of Columbia has for report H.R. 16941, 90th Congress, a bill "To authorize an officer or employee of the government of the District of Columbia to require applicants for permits to parade in the District of Columbia to post a bond to cover certain costs of such parade."

The bill provides that no officer or employee of the District Government shall issue or sign any permit for a parade (a term defined by section 3 of the bill to include marches, demonstrations, or other assemblages) if he determines that the parade may cause property damage or disorder which would constitute a breach of the peace, unless he first requires the applicant for such parade permit to post a bond in an amount determined by the officer or employee to cover the estimated cost of damage to property, and the estimated cost of equipment and personnel needed to maintain order (but not including the cost of such equipment and personnel as may be needed to route traffic and to protect the persons participating in any such parade). Failure to comply with the conditions of the permit will, under the bill, result in its revocation, and in such case the permittee is required to declare the parade at an end and actively cooperate in its disbursement. The failure of the permittee to comply with the last-mentioned requirements will result in the forfeiture of the total amount of the bond which the permittee has posted.

It is the view of the District of Columbia Government that while the object of the bill is to relieve the District government from bearing property damage and other costs arising out of a parade, march, demonstration, or other assemblage, it raises a constitutional question as to whether the bill infringes on the right of peaceable assembly guaranteed by the First Amendment.

The Metropolitan Police Department, the United States Park Police, the National Park Service, and the General Services Administration are presently the agencies responsible for the issuance of permits for parades, demonstrations, and the like. While these agencies require the filing of an application in writing, and some consultation as to time, place, date, duration, number of persons involved, equipment and facilities, there are no charges made, and the permit form is considered informational, rather than restrictive.

Under the bill, no criteria are provided to guide the government official or employee as to what constitutes "property damage or disorder". The official or employee is thus faced with formulating his personal view as to whether any disorder will occur and the amount of damage that may accrue. The bill provides for no avenue of appeal from the decision of the official or employee if he decides that a bond is required. Failing to post the required bond demanded would prevent the issuance of any permit. The result of the enactment of the bill could be to establish a government official or employee as the arbiter of who is worthy of parading, marching, or demonstrating, and the amount of bond, if any, that it will cost the permittee to parade, march, or demonstrate.