

Mr. McMillan?

CREATING THE FEDERAL CITY

Mr. McMILLAN. Mr. Fountain, we all appreciate your taking your time to give us your opinion on the proposed legislation present before us this morning.

I wonder if you could give us some idea what George Washington's reasons were for taking out the original ten-mile square area here—why do you think he did this?

Mr. FOUNTAIN. Your colleague sitting on your left probably could give you much better explanation in response to that question because of his experience on this committee, but it has always been my understanding that it was staked out as the seat of the government, the Federal government, and was to be used for that purpose. I do not think that purpose should in any way deprive our citizens of any rights which they have under the Constitution.

Mr. McMILLAN. Is it not a fact that in the City of Philadelphia, where Congress met before the District of Columbia was created, that the Congress could not transact its business in a businesslike manner? The situation became so bad that George Washington felt that something should be done to correct the same. He staked out the ten miles square known as the District of Columbia, so that the Congress of the United States could be protected, since the police force and militia in Philadelphia did not even try to protect the Congress and that is the reason for the creation of this city.

Mr. FOUNTAIN. It is my understanding that it was one of the basic causes for it.

Mr. McMILLAN. For the protection of the people who are trying to transact the business of the Federal government—it was for that purpose, was it not?

Mr. FOUNTAIN. It is my understanding that that was one of the basic reasons for it.

Mr. McMILLAN. We recognize, every person has the right to come to Washington and petition his Congressman, or petition the Congress. I do not think that they should be permitted to remain here on public property and suppress the orderly procedure of the government.

Mr. WHITENER. Mr. Winn?

Mr. WINN. No questions.

RIGHT OF APPEAL

Mr. WHITENER. Mr. Fountain, we have here a report from the District Commissioner's office on this legislation in which some objection is expressed as to the enactment of this legislation. And they say in this report that one of their objections is that the bill does not spell out any avenue of appeal for the applicant from the decision of the official or employee if he decides that a bond is required, and the exercise of discretion by the District official is involved. As they interpret the legislation, this would deprive a citizen of any remedy at law; at least, that is my interpretation from a hurried reading of the report.

Is that not a rather nonsensical statement in the light of the cases that are now on the books, the decisions of the Supreme Court, such as in the Birmingham case and many other cases where citizens have