

gone to the highest court in the land to raise constitutional questions as to the validity of local ordinances?

Mr. FOUNTAIN. I quite agree with you, Mr. Whitener. We provide for appeals in cases of this kind, I am satisfied, on the basis of the opinions of the Supreme Court; at least, the present Supreme Court with which we are familiar, that anyone who appeals from an arbitrary or capricious order of any kind in connection with a matter of this kind will have no difficulty in getting a determination made by the Supreme Court. I think that the court in recent years has exercised maybe discretion when they did not really have statutory authority many times to consider matters which ordinarily might not have been considered. So I think the Supreme Court has gone far enough in recent years to satisfy anyone that if it wants to it will grant a person a hearing.

Mr. WHITENER. And there are other procedures available to an aggrieved citizen for redress.

FIRST AMENDMENT

I also note that the Commissioners say that in some way it is an infringement upon the constitutional right of the citizen to peacefully assemble as guaranteed by the First Amendment to the Constitution if the Congress enacts some statute, this one or any other one, which would prevent a mob taking over the streets of the city and depriving the rest of the citizens of the use of those streets. This is my interpretation of their report, where they say, "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."

As I read your bill, the public official issuing the permit must first determine that such parade may cause property damage or disorder which would constitute a breach of the peace.

Is there anything in the Constitution, the First Amendment or any decisions by the courts that says that a governmental party cannot avoid breaches of the peace and damage to property?

Mr. FOUNTAIN. I know of none. As a matter of fact, there are numerous sections for placing certain limitations and restrictions upon the exercise of the rights of citizens. We have riots but we also have responsibilities, and it seems to me that in too many instances we have permitted the concentration effort towards the protection of the right of an individual without taking into account the right of collective society, of the vast majority of the citizens.

Mr. WHITENER. The First Amendment to the Constitution says, in part, that Congress shall make no law respecting an establishment of religion or abridging the freedom of speech or press, or the right of the people peaceably to assemble and to petition the government for a redress of a grievance. Is there anything in this legislation that would seek to infringe upon the rights of the people peaceably to assemble?

Mr. FOUNTAIN. I see nothing in it.