

EDITORIAL:



FREEDOM OF ASSEMBLY AND PETITION

At Hyde Park and Trafalgar Square in London an Englishman with a message to convey may stand up on a soap box and deliver his philippics against the Administration or the King. No permit is necessary, the only requisite being the presence of an audience. This system of freedom is a bulwark of English liberty and did much to preserve that ancient democracy. The English thinks that repression is likely to result in such an accumulation of hatred as may cause some volcanic eruption. After all, if the Administration be right, the speaker may sooner be disposed of by the public than the government itself may; and if it be wrong, it is but right that it changes course.

In Republican France no permit was necessary to hold a public meeting. All an interested person had to do was notify the police that a meeting would be held at a certain place and the police issued a receipt as proof that notice was given. Notice was necessary only to enable the police to maintain peace and order during the meeting.

In the United States, since the his-

toric case of *Hague v. Committee for Industrial Organization*, 307 U.S. 496 (1939), public meetings may also be held without a permit. The Supreme Court of the United States, adopting the "clear and present danger" doctrine, nullified a Jersey City ordinance as permitting an arbitrary denial of the freedom of assembly. (The ordinance provided: "The Director of Public Safety is hereby authorized to refuse to issue said permit when, after investigation of all of the facts and circumstances pertinent to said application, he believes it to be proper to refuse the issuance thereof; *provided, however*, that said permit shall only be refused for the purpose of preventing riots, disturbances or disorderly assemblage.") A permit for a public meeting was denied by the city officials on the ground that disturbances were likely to follow. The Supreme Court of the United States enjoined the enforcement of the ordinance and declared it null and void.*

The recent case of *Primicias v. Fugoso* presented a question of great constitutional importance before the

* An interesting discussion of the case may be found in Zechariah Chafee, Jr., *Free Speech in the United States*, 1946, Harvard University Press, pp. 409-438.

Supreme Court. A permit for a public meeting was denied Primicias by Mayor Fugoso upon some imaginary fear of a popular uprising. The Supreme Court, in requiring the Mayor to grant the permit, could not be more right in doing so. We are not actually advancing the law of freedom by compelling the issuance of the permit but simply aligning ourselves with other democratic countries that arrived at the same conclusion long before we did; and that, upon principles and ideas long discovered for us by the Immortals of freedom like John Stuart Mill, John Milton, Thomas Jefferson, and others.

This recent case also reveals that we need as much education in the obvious as in that which is not. We have had too short a tutelage in demo-

cracy to be confident that we know it by heart. The concurring opinion of Justice Perfecto, emphasizing the Supreme Court to be the last hope of democracy, sheds light on just how grave the situation was at the time the decision was rendered. We, therefore, do not hesitate in joining hands with the Supreme Court in this case for taking a decisive and firm stand. In this one cause, we are motivated chiefly by selfish interests, for we do not know why so vital a right should find support upon some form of public or social policy. We know too well that our own freedom is linked inseparably with that of another. When another's freedom is sacrificed then it is only a matter of time when ours shall also be destroyed.†

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† See Aesop's fable on "The Trees and the Axe." *Aesop's Fables*, The World Publishing Company, pp. 71-72.