

Mr. BRESS. Yes; I think this legislation is much needed and I think it goes beyond the point as I remember raised in the Poff discussion.

Mr. CRAMER. It spells out new forms of crimes but it does not at the same time solve that problem, does it? Specifically I am referring to who prosecutes, on page 5, at Section 8(c). That begins on line 11, where conduct in violation of "the general laws of the United States or the laws of the District," both violations may be joined in a single prosecution. Prosecution for any violation of section 6(a) or for conduct which constitutes a felony under the general laws of the United States or laws of the District of Columbia shall be in the United States District Court for the District of Columbia.

"All other prosecutions for violations of this act shall be in the District of Columbia Court of General Sessions."

Section 6(a), of course, is a heavy penalty: \$5,000 or 5 years?

Mr. BRESS. Yes, sir.

Mr. CRAMER. Right?

Mr. BRESS. Yes, sir.

Mr. CRAMER. The balance will be prosecuted by the District of Columbia?

Mr. BRESS. Yes, sir.

No. All violations of this act are required to be prosecuted by the United States Attorney, not by the District of Columbia, as in the very sentences on page 5 that you have just read.

Mr. CRAMER. What language so provides? "All other prosecutions and violations of this act shall be in the District of Columbia Court of General Sessions."

Mr. BRESS. The U.S. Attorney prosecutes misdemeanors in the District of Columbia court of general sessions.

Mr. CRAMER. The U.S. attorney would be prosecuting in all instances; is that correct?

Mr. BRESS. Mr. Cramer, if I might call your attention to lines 5 to 8 of paragraph (c), it expressly provides that all violations under this act are prosecuted by the U.S. attorney.

Mr. CRAMER. That clarifies the problem pointed out in the Poff memorandum in the Congressional Record I mentioned; right?

Mr. BRESS. Yes.

Mr. CRAMER. As it relates to prosecution under this act?

Mr. BRESS. Yes, sir.

May I, sir, since you have just read line 18, note the word "shall" is included there. I think that was also in the Senate bill. I believe that there is good reason to change that word "shall" to "may." That is on page 5, section 8(c), line 18.

Mr. CRAMER. Why?

Mr. BRESS. This sentence would seem to make it mandatory that all misdemeanors be prosecuted in the court of general sessions. The District of Columbia has concurrent jurisdiction for misdemeanors in the district court.

Earlier there, this same paragraph, there is a provision for joinder of offenses. There is very likely to be a joinder of a felony and a misdemeanor offense. I would think that I would encounter difficulties if the felony was to be prosecuted in the district court and the statute said that the misdemeanor shall be prosecuted in the general sessions