

Mr. CRAMER. I will say to the gentleman, the antiriot bill passed the House and was amended on the floor of the House purposely to make certain it covers the District of Columbia as a local District criminal law by using the definition in title 18, Interstate Commerce, meaning it applies to the District.

The gentleman is familiar with this procedure, is he not?

Mr. BRESS. Yes.

Mr. CRAMER. Other statutes apply to the District of Columbia, and so does the antiriot bill now in the Senate.

What the Justice Department is doing is duplicating, by sending up a separate bill for the District of Columbia, what the House has already passed. It has passed a bill covering the District of Columbia.

The bill sent up to the House District of Columbia Committee is of a similar nature to the one the House already passed.

Mr. BRESS. I am not prepared to discuss the antiriot bill insofar as it affects the rest of the country. I am familiar with the antiriot bill for the District of Columbia and it is my understanding that the Department of Justice has supported that.

Mr. CRAMER. I hope eventually it will support similar protection for the people throughout the Nation.

Mr. WALDIE. I want to ask a question about the bill, but there was another subject brought up, why this bill should not have equal application throughout the Nation for public Federal buildings.

I might say, representing California, when San Francisco was mentioned as a particular instance where such controls might be desirable, my own personal view as a representative of that State is that this bill is designed not to protect property particularly, but to protect people in the performance of their functions within those public buildings. And I am not willing to permit the Federal Government to pass laws governing the people of California in the performance or misperformance of their citizens' duties or obligations.

I am absolutely confident that the State of California is better equipped than is the Federal Congress to make these particular laws, and I hope we do not extend this into the areas in which the States have jurisdiction.

I would hope we would let the States make up their minds as to what conduct they desire to prevent their citizens from participating in, and we in Washington would not intrude in that area.

But the specific question I wanted to ask about the bill, I noted on 6(a) as contrasted with section 6(a)(2)(b), the conduct of the individuals described in section 6 from line 11 down to line 23 as contrasted with all other conduct is not qualified with the necessity of having scienter present. You have "knowingly" qualifying the conduct beginning on line 24, and you have "willingly" qualifying the conduct prohibited on line 2, page 3, but on the conduct described on lines 11 and 23, you have neither knowingly nor willingly nor apparently any scienter there at all.

I am curious why you omitted the necessity of these acts being done either knowingly or willingly.

Mr. BRESS. It was believed that it was unnecessary to spell out any.

Mr. WALDIE. Here we have scienter required for the misdemeanor in section (6). They have to know they are performing a misdemeanor and have to willfully do it, but in terms of performing the far more serious act, we do not require intent expressed.