

I know intent must not necessarily be proved in any crime but why do you express it in terms of this misdemeanor and omit it in terms of the felony?

Mr. BRESS. Because of the very nature of the two different offenses. I think the theory was carrying a firearm into the Capitol Building was such a dangerous act that it was not necessary to spell out willfulness.

Mr. WALDIE. Why I am curious is that entering the House or remaining upon the floor of Congress with force and violence seems to me to be rather a serious act, and yet you require them to knowingly do that. It does not matter whether it is knowingly, it seems entering with force and violence and remaining on the floor of Congress ought to be prohibited.

Why do you require knowingly? Qualify that concept. Line 24.

Mr. BRESS. I see the place.

Mr. CRAMER. Could I indicate to the gentleman what my reaction would be to the question, and you can agree or disagree?

There is a statute presently on the books relating to carrying arms in the District of Columbia; is there not?

Mr. BRESS. Yes.

Mr. CRAMER. This says the act itself speaks for itself, and in that instance intent is not required. Is that correct?

Mr. BRESS. Intent is drawn from the act.

Mr. CRAMER. If anyone who carries a gun on the Capitol Grounds or in the buildings, knowing of the existence of this law, the intent is there. The act itself speaks for itself and intent is not required; is that correct?

Mr. WALDIE. It would seem to me the act of entering or remaining upon the floor with force and violence speaks for itself. Why qualify it with "knowingly"?

Mr. CRAMER. I personally do not think it needs to be qualified, do you?

Mr. BRESS. To enter or remain on the floor?

Mr. WALDIE. By force or violence.

Mr. BRESS. Willfully but without force and violence is made a misdemeanor. But if you do it with force and violence, it is made a felony, and that was the judgment—to exclude persons from entering by the use of that kind of means, it would be appropriate to impose a more severe penalty than one who merely entered.

Mr. WALDIE. I agree with that, but why did you add "knowingly"? Why does a person have to "know" he is remaining on the floor with force or violence?

Mr. BRESS. May I make clear, if I have not mentioned it, this bill was not drafted by the Department of Justice or by me. This was drafted by a Senate committee.

Mr. WALDIE. Then let me ask you as an attorney and representative of the Department of Justice, is "knowingly" necessary in there? Does it add anything and, if it does, why is it not included in the other felony?

Mr. BRESS. The only explanation I can give to that is that (a), (b), and (c) of 6(a)(1) are treated as more serious offenses in which intent or scienter would be inferred from the mere bringing in of the dangerous weapon. Whereas, it was felt to use force to enter the floor of the House, if a man made a mistake and had a fight with a