

Mr. HOWARD. I am not sure the Government would have to prove that the defendant knew the rules of the House. I think the willfulness means the voluntary and affirmative act of going on into the Chamber.

Mr. SULLIVAN. Are you saying that willfully and knowingly are not the same thing here? This section has "knowingly" on line 24 and "willfully" on line 2. Does "willfully" include "knowingly," in your opinion?

Mr. BRESS. I cannot point to any real distinction in those two terms.

Mr. SULLIVAN. In other words, you are saying they are interchangeable, that they are still the same thing, actually?

Mr. BRESS. I believe so.

Mr. SULLIVAN. Thank you.

Mr. CRAMER. We wrote "willfully" into the Civil Rights Act, title 2, on the floor of the House; and we wrote "knowingly" in the antiriot bill, and it was the same thing.

Mr. BRESS. I do not see any real difference.

Mr. WALDIE. Mr. Chairman, why could not that section (b)(1) read that—

Anyone who enters knowingly and willfully in violation of the rules of the House and/or with intent to disrupt the orderly conduct of official business.

How would that weaken the present wording?

Mr. BRESS. The entering or remaining with intent to disrupt is covered separately in subparagraph 3. But you see that relates to any room within any of the Capitol buildings and it was felt by the drafters of the bill that if there is an intention to impede or disrupt, that should be an offense even though it was not on the floor of the House, but the floor of the House was so much more important than an ordinary waiting room in the Capitol that it was unnecessary to show there was an intention to disrupt or impede if there was this improper entry on the floor. So there is no requirement for an intent to disrupt in (b)(1) or (b)(2), but there is in (3) and (4).

Mr. CRAMER. As U.S. attorney for the District, would you bring a suit against somebody under this language who accidentally goes in on the floor contrary to the rules?

Mr. BRESS. I would think the discretion I have would certainly be exercised against any such.

Mr. HOWARD. Could you?

Mr. BRESS. The answer is that there is a technical violation and a prosecution could be brought, but the area of prosecutor's discretion is such it is highly unlikely or inconceivable one would be brought.

Mr. WALDIE. But they have committed a crime?

Mr. BRESS. Yes.

Mr. HOWARD. Is there any way you could write it so they would not commit a crime under those circumstances?

Mr. BRESS. Yes, you could.

Mr. HOWARD. I think we should write it.

Mr. ROBERTS. I want to say to start with, I do not think there should be the possibility of the committee passing out any legislation where discretion is left to anybody. He may not be here very long.

To start with, I do not know whether the present prosecutor would or not, but the guy that follows him might. We are in this position: If you send your administrative assistants over to clip something out