

unlawful" and specifies what the acts are, "except as authorized by regulations promulgated by the Capitol Police Board."

I do not think you can pass a criminal law that leaves it up to a group of people to enact exceptions to the criminal law.

Mr. ROBERTS. I was coming to that.

Mr. CRAMER. Will you answer that question for the members?

Mr. BRESS. It is my opinion that this can be properly done, that the Capitol Police Board can be authorized by the regulations to carry guns on the Capitol Grounds.

Mr. DENNEY. That is not what it says. It says they shall set the exceptions to the criminal acts specified in (a), (b), and (c).

Mr. CRAMER. They can except the military and Capitol Police. The present law under the Capitol Police Board does it.

Mr. DENNEY. How can a legislative body delegate to an appointive body the right to make exceptions under a criminal act?

Mr. CRAMER. Is that not the present law?

Mr. BRESS. Yes; and that is done frequently.

Mr. DENNEY. I know it is done, but has it ever been tested out in the courtroom?

Mr. BRESS. I cannot cite a case on it, but it is my impression.

Mr. DENNEY. I know in my State we have had that specific problem and they say the legislative body cannot delegate authority to the administrative body or appointive body to make exceptions to the criminal law.

I think we are getting into real trouble.

Over here on page 3, I think the legislative body can delegate to the Speaker, who is a Member of that body.

Mr. CRAMER. We have a police board that is made up of the Sergeant at Arms of the House, elected by the House; the Sergeant at Arms of the Senate, elected by the Senate; and the Capitol Architect, appointed by the Speaker, and the Public Buildings Commission, which is made up in the House of the senior Democratic Member, which is Mr. Celler, and on our side Mr. Goodell. So they are Members of Congress who appoint the Architect and that is the Board that makes the decisions of what the exceptions would be.

Mr. DENNEY. Would it be just as good law "except as authorized by regulations which shall be promulgated by the Congress" and pass it by resolution? Why designate a group of appointees?

Mr. CRAMER. That is the present law under title 40:

The Capitol Police shall police the U.S. Capitol Buildings and Grounds under the direction of the Capitol Police Board consisting of the Sergeant at Arms of the U.S. Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol.

So this follows the pattern of present law.

Mr. WALDIE. If you were to add on page 3(b)(1), on the problem that has troubled me and others, where the family might accidentally walk in, the sentence the Senate took out, or phrase, "with intent to disrupt the orderly conduct of official business", you remove all doubts that anybody could accidentally commit a crime. Is that right?

Mr. BRESS. Yes, sir.

Mr. WALDIE. So there would be no problem if you added that?

Mr. BRESS. But suppose a person enters and did not intend to disrupt at all, he just wanted to sit and observe from the floor instead of from the gallery?