

conspirators who violate this act and to provide for the prosecution under this act, and I am afraid we are with our "shall" down below here getting a jurisdictional problem.

I am not as well versed in this as you are and I wanted to clear it up.

Mr. BRESS. I would say that a conspiracy out of the District of Columbia to permit a violation of this act within the District of Columbia is a conspiracy which could be prosecuted in the District of Columbia, and if that is prosecuted in the District of Columbia this 8(c) provides that the proper and only court that it should be tried in the District is in the U.S. district court.

Mr. SNYDER. For the District of Columbia?

Mr. BRESS. For the District of Columbia.

Mr. SNYDER. And this, according to your opinion, then does not violate the general concept of jurisdiction that we have of the laws of the United States, that is prosecution of claim within the jurisdiction where the crime was committed.

Mr. BRESS. Yes; but in conspiracy the crime is committed both in the jurisdiction where the unlawful agreement was entered into and in the jurisdiction where the overt act pursuant to the conspiracy was committed, or where it was to take place.

Mr. SNYDER. In other words, the overt act does not have to take place in the District in order to give the district court where it would have taken place jurisdiction to try that conspiracy. Is that correct?

Mr. BRESS. I believe so but I am not certain.

Mr. SNYDER. I am not certain, either. I must confess you would be more knowledgeable about this than I am. It strikes me that this could constitute a problem where some sort of work on the language should be corrected.

Mr. CRAMER. The gentleman has raised a good question. Would this be covered under title 18, those conspiring to accomplish these acts?

Mr. BRESS. Title 18 conspiracy statute would certainly apply.

Mr. CRAMER. It would apply?

Mr. BRESS. Yes.

Mr. SNYDER. What is the penalty under that section? Do you know offhand?

Mr. BRESS. Section 371. I haven't title 18 here. I think it is 3 years. It varies with a misdemeanor or felony. If the conspiracy is to commit a misdemeanor the maximum penalty is 1 year, but if the conspiracy is to commit a felony my recollection is 3 years.

Mr. SNYDER. I would like to suggest that you give some thought to this problem that I have presented when you study this section and give the committee your advice after study in this regard. I would like to have your opinion.

I know as a prosecutor you are not in a position to make judicial determinations for us, but I would like to know what you normally consider is the lawful discharge of his official duties in reference to the exemption provided for Members of Congress. Is just the presence of a Congressman part of official duties?

Mr. BRESS. No, not mere presence. That is not enough to justify physical combat.

Mr. SNYDER. I am not taking that aspect into account. Again I am presupposing that at some future date there might be a situation occurring in Washington which might be comparable to what we have seen this past summer in some of the major cities.