

A Member in his own discretion might feel it advisable for him to perform his official duties and he might need some protection stuck in his pocket, and the question that occurs to me is whether he would be subject to prosecution for carrying a weapon under those circumstances. I refer to the act as it is written.

Mr. BRESS. I think if the carrying of the gun can be stretched to the point of being incident to his protection for the purpose of enabling him to discharge his duties, then I would think that the carrying of the gun would not be a violation under the section as now drawn.

Mr. CRAMER. In any event, subject to regulations by the Board. Is that correct?

Mr. BRESS. I think the question contemplated no regulation that takes care of it but simply on this statute.

Mr. SNYDER. That is correct.

Mr. BRESS. I would say that if a Congressman carried a gun to get through a riot area in order to come to a session of the Congress, and that was done for the purpose of enabling him to get there and to protect himself in the process, I would think this section would give him immunity from prosecution.

Mr. CRAMER. Or if he had the gun in his office and though it was essential, he had reason to think some of these people might invade his office.

Mr. BRESS. If that was the purpose for the gun in the office I think the prosecution would be loath to proceed.

Mr. SNYDER. I would say to the gentleman that I hope you leave your testimony that way. Some of us might want to rely on it in the future.

Mr. BRESS. I have no control over it after I leave.

Mr. CRAMER. I would contemplate that the Capitol Police Board would make proper regulations relating to Members, Armed Services—

Mr. BRESS. District of Columbia Police.

Mr. CRAMER. Witnesses, such as those before the Dodd committee who have to bring in exhibits, marshals, sheriffs, jail wardens, Army and Navy and Marine Corps and National Guard, and so forth.

I assume that this exists at the present time in the code? Such exceptions are made?

Mr. BRESS. Oh, yes.

Mr. CRAMER. I would assume it is difficult to write in every exception. That is the reason I went along with this language even though I recognize the problem the gentleman from Nebraska raises. It is not a constitutional question now, is it, but a matter of discretion of the Congress.

Because of the nature of some hearings, such as the Dodd hearings, it would be difficult to write a law which would be flexible enough in exceptions as compared to a regulation which could be changed and take into consideration what Congress has to do.

Mr. BRESS. Yes, and the same would be true so far as construction work is concerned either on Capitol Hill or nearby where explosives might be necessary for new construction.

Mr. SNYDER. I have no further questions, Mr. Chairman.

Mr. WALDIE. If a fellow came into this room and we were in executive session and he had no intention of interrupting the conduct of official business, would he violate this statute?