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Administration Offers to Back Quick-Trials Bill

But It Asks for Provisions Favored by Prosecutors

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WASHINGTON, Sept. 14 — The Nixon Administration offered today to support legislation guaranteeing defendants quick trials, if Congress would sweeten the pending bill by adding several measures favored by prosecutors.

The major addition asked by the Justice Department is a provision to reduce the right of prisoners to seek to void their convictions by habeas corpus proceedings in Federal courts.

"A system of criminal justice which insists that defendants be brought to trial within a mandatory time limit of, for example, 60 days, but then permits a convicted defendant to spend the next 10 or 20 years litigating the validity of the procedures used in his trial, is a contradiction in terms," Assistant General William H. Rehnquist's testimony today marked the Justice Department's first formal statement about the speedy-trial proposal, which was made by Senator Sam J. Ervin Jr., North Carolina Democrat, and is backed by 48 co-sponsors.

Attorney General John N. Mitchell had previously cast a cloud over the bill's prospects by branding it a "nonsolution" to the problem of court delay, but today's testimony by Mr. Rehnquist indicated that the Justice Department's opposition had softened.

As the bill stands now, each Federal district would prepare a plan, stating what additional procedural innovations and new judges, prosecutors and other resources would be needed to bring all criminal defendants to trial within 60 days of their indictments. If they were not granted a trial by then, the charges against them would be dropped unless unusual cricumstances caused the delays.

Associated Press
William H. Rehnquist

Mr. Rehnquist called this a "draconic" approach that would one-sidely punish the prosecution without requiring anything of defendants.

To make the bill acceptable to the Justice Department, Mr. Rehniquist asked that it be used as a vehicle to tighten up the Federal habeas corpus procedures. These have been expanded by Supreme Court decisions to the point where about 11,000 state and Federal prisoners file petitions each year seeking to overturn their convictions. Twenty years ago, about 500 prisoners did so each year.

Justice Agency Spokesman Is Senate Panel Witness

Under the Justice Department's proposal, prisoners could not seek to overthrow their convictions on the grounds that the police had violated such Supreme Court ruling as Miranda v. Arizona, which requires the police to warn suspects of their rights, or Mapp v. Ohio, which excludes evidence obtained in illegal searches.

Prisoners would be entitled to overturn their convictions only if there were such "fundamental" errors as the use of coerced confessions, mob domination of juries or no defense lawyers.

Even if such errors were found, the Justice Department's proposal would bar habeas corpus relief if the errors were found not to have affected the outcome of the trial.

Mr. Rehnquist also said that some penalties should be placed upon defendants if their lawyers delayed trials. He urged a gradual procedure to prevent thousands of defendants now on court backlogs from going free when the 60-day period first went into effect.

He mentioned two other measures that the Justice Department desires, but would not tie these to the speedy trial bill. One would eliminate the Supreme Court's rulings that exclude illegally obtained evidence, the other would permit convictions by less-than-unanimous juries.