

The Weather

Today — Partly cloudy, chance of showers, high in upper 80s. Saturday — mostly sunny, humid, high in low 90s. Chance of rain, 60% today. Temperature range: Today, 73-87; Yesterday, 70-74. Details, Page C5.

The Washington Times Herald

93d Year · No. 231

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FRIDAY, JULY 24, 1970

Senate Clears Crime

Post

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Circulation 223-5100
Classified 223-6200

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Bill, 54-33

Measure Goes to President Pretrial Jail, 'No-Knock' Passed for D.C.

By Irna Moore

Washington Post Staff Writer

The Senate, by a 54-to-33 vote, yesterday sent to President Nixon his legislation dealing with crime in Washington, one year and 12 days after it was proposed by the administration.

The President is expected to sign the 1970 D.C. Crime Act into law while in California next week, capping a year of some of the most intense congressional debate ever on a piece of District legislation.

Sen. Joseph D. Tydings (D-Md.), chief sponsor of the bill in the Senate, called yesterday's vote "a splendid victory." He predicted the measure would "help reduce the level of crime and violence in our nation's capital."

Tydings, chairman of the Senate District Committee, said that fears about some of the bill's controversial provisions such as pretrial detention of some criminal suspects and authority for "no knock" arrests and searches were groundless. He said the rights of individuals "will be safeguarded more than under existing law, and I'm sure time

will prove me right.

The leader of the unsuccessful Senate opposition to the bill, Sen. Sam J. Ervin Jr. (D-N.C.), said the vote was "a victory for repressive criminal procedures.

"In the political climate that prevails today it's very difficult to get a rational action on anything that's presented as law and order legislation," Ervin said. He predicted that some of the bill's provisions would be declared unconstitutional by the courts.

The final version of the crime bill adopted by the Senate yesterday and by the House last week would create a new local court system with more judges and administrative staff; expand the role of the D.C. Bail Agency in supervising defender service.

It would also substantially revise local criminal law; allow judges to order preventive detention of certain dangerous defendants; authorize police to conduct "no-knock" arrests and searches; expand police wiretapping authority; lower from 18 to 16 the age at which juveniles charged with certain dangerous crimes must be tried as adults, and set a minimum five-year sentence for anyone convicted of a second armed crime.

The provisions that have aroused the most controversy—preventive detention, no-knock searches, expanded wire tapping and mandatory sentences—will not go into effect until six months after the act becomes law, apparently postponing any court test of their constitutionality.

See DISTRICT, A8, Col. 1

DISTRICT, From A1

The President will be able to name three more judges to the D.C. Court of Appeals and 10 more to the Court of General Sessions immediately.

But the first phase of transferring all purely local criminal and civil cases to the Superior Court—the new local court created by the bill—will not start for six months.

The new public defender service and authorization of a \$5 million federal payment to the city to cover costs of the crime bill will go into effect immediately.

In a statement issued after the Senate vote, Mayor Walter E. Washington urged District

residents "not to prejudice the effects of this law, but rather work together with us toward its fair and impartial administration."

Some community leaders have urged citizens to resist parts of the bill, including a threat to shoot any policeman entering their homes under the no-knock provisions.

Rights Threatened

D.C. City Council Vice Chairman Sterling Tucker, however, charged that "the Congress has just stripped away important constitutional rights of the people of the District. I'm afraid, once, again, we are simply peas in someone else's shell game."

Sent to Congress by the Nixon administration on July 11, 1969, the crime bill was passed as five separate bills by the Senate last fall without the provision for preventive detention. The House approved a different omnibus bill last March, leading to the protracted negotiation in conference over the two versions that ended last week.

Ervin and a coalition of 21 other senators then waged a week-long campaign to have the Senate reject the conference agreement and adopt a substitute measure that would exclude the crime bill's more controversial features.

Few Surprises

There were few surprises in yesterday's Senate vote on the conference version of the bill. Both of Virginia's Democratic senators, Harry F. Byrd Jr. and William B. Spong Jr., voted for it. The Maryland delegation split, with Tydings, a Democrat, voting for the bill and Sen. Charles McC. Mathias, a Republican, voting against it.

Ervin, a usually conserva-

tive Southerner, was able to pick up the support of only one other "strict constructionist," Sen. John Stennis (D-Miss.). Two other senators originally voted against the bill, but withdrew their votes by pairing with two absent senators who would have voted for it.

Moments after the vote, two unidentified young men stood up in the gallery, shouted, "Heil Hitler" and objected to passage of what they called "the Fascist crime bill."

Guards and Capitol police quickly surrounded both protesters and removed them from the gallery.

Outside the Senate chamber, Tydings was surrounded by lawyers from the Justice Department, who had drafted the bill in response to President Nixon's 1968 campaign pledge to do something about "the crime capital of the world."

Senate Majority Leader Mike Mansfield (D-Mont.) also referred to the President's charge, noting that the crime bill will be the first piece of administration anticrime legislation to be placed on the President's desk for signature. Other administration anti-

crime legislation still pending before Congress includes bills to renew federal aid to local law enforcement agencies; revise the penalties for narcotics-related crimes; deal with organized crime, and apply preventive detention to all federal jurisdictions.

'Let Courts Decide'

In the closing hours of debate before the vote, Mansfield also urged critics of the bill to let the courts decide whether some of its provisions were constitutional.

He added that he was supporting the bill because he felt it included enough safeguards to prevent it from being "constitutionally impaired."

Stennis replied, "If we in the Senate just surrender and say let the courts decide, then who else will stand up?"

Ervin, who has cited everything from the Bible to British history in his campaign against the bill, concluded his attack by charging that "the siren voice of that old devil, political expediency, has been whispering that you'd better vote for the crime bill because it's a law and order bill."

He warned that passage of the bill would mean that "the

people so unfortunate as to reside in the District of Columbia will be denied rights which the Constitution intended to protect all Americans against oppression."

Tydings ended the debate by urging the Senate to reject rhetoric and "vote for a strong, safe criminal justice measure."

Senate Liberals Outganned

By Robert F. Levey

Washington Post Staff Writer

Faced with the first threatening floor fight on major legislation his six-year U.S. Senate career, Joseph Tydings, the legislator, outganned Sam Ervin, the libertarian, yesterday.

The businesslike Tydings is Maryland's senior senator but still a relative newcomer in the historic chamber. For him, passage of the D.C. crime bill not only ended more than a year of dreary negotiation and staff work, but helped him preempt the crime-fighting issue in his re-election campaign this year.

For the courtly, portly Ervin, a three-term Democrat from North Carolina, passage of the bill was "a sellout of constitutional liberties" to what he called the "expediency of law and order." Yet Ervin said after the vote yesterday that he suspected, in a year of official concern over crime, that he had been waging a losing battle.

Help or Hindrance

Tydings, obviously pleased and relieved, said the crime bill is "sound and constitutional." Not one to indulge much in them himself, he said he was glad to see the bill survive "all the flame and rhetoric."

But Tydings said that his



SEN. JOSEPH TYDINGS
... 'sound, constitutional'

role as sponsor of the bill might now hurt him politically as much as it might help him.

"The burden is on me," Tydings said, "to get the facts straight (among the voters of) Maryland."

He added that the crime bill — and particularly its "no-knock" section — is so "seriously misunderstood" that spreading the message might not be possible.

Tydings again denied yesterday — as he had throughout the debate — that either the crime bill or his own political stance was illiberal.

But he did point out that,

for his own political purposes in Maryland, his stand on the bill provided a counterweight to criticism aimed at him from the right for his strong progun control position.

Ervin said he was taking his defeat "pretty well, although I was fighting for a right so precious to man." He said his unaccustomed partnership — as a conservative Southerner — with the Senate's liberals "was no difficulty," and that his advocacy of the rights of Washington residents was "logical."

"I would have done the same for anyone," Ervin said.

Tydings Criticized

Ervin criticized Tydings, however, for being "impatient" and "secretive."

He said that, in a bill so complicated, containing a provision as controversial as "no-knock" searches is, Tydings "should have brought 'no-knock' to light when the bill first passed the Senate." Instead, Ervin said, the bill passed by a sparsely attended voice vote last fall "because they hadn't told anyone 'no-knock' was in it."

Ervin said he also did not have enough time to prepare an adequate case against the "no-knock" provision "because they wouldn't even let me see the confer-

ence report until it was printed." Courtesy would have demanded an earlier glimpse, Ervin suggested.

"But I'm pretty well satisfied," he said, reflecting on the vote. "Thirty-three votes is thirty-three votes."

Throughout the week of often acerbic debate on the Senate floor, it seemed — on the surface at least — as though a director had miscast the entire production.

On one flank was the white-haired, conservative Ervin, arguing caution and common sense in opposition to a law and order measure.

On the other was Tydings, 31 years Ervin's junior, and sometimes attacked in his home state as too liberal, arguing toughness and speed against crime and criminals.

Known as Scholar

Ervin's strict civil liberties stand on the crime bill was not without precedent.

In 16 years as a senator, he has invoked the Constitution against everyone from Sen. Joseph McCarthy to then-Attorney General Robert F. Kennedy. He is known as the Senate's foremost constitutional scholar and civil libertarian, and was mentioned on several occasions as a prominent contender for a seat on the U.S. Supreme Court.

Nor is Ervin's slightly

on Crime Bill



SEN. SAM J. ERVIN JR.
... charges sellout

showy, often whimsical approach anything new.

He is well known as a raconteur, relying heavily on mock husband-wife dialogues, down-on-the-farm common sense, and quotes from the Bible and King George III.

One of his few ventures into the world outside public service was in 1964, when he served as a "color commentator" for ABC's coverage of the Democratic National Convention. It is said that, when they make the movie of his life, no one

could have played him but the late Charles Laughton.

Tydings, on the other hand, is characteristically cautious and lacking in color. He has never before led a floor battle over an issue so electric or potentially damaging.

As chairman of the District Committee, the Maryland legislator is the youngest and newest committee chairman in the Senate. While he is regarded as a "comer" from a relatively safe Democratic state, he was not battle-tested until the crime bill.

His aides say he led the fight for it out of a sincere belief that it was an answer—from a former prosecutor's view—to controlling crime.

He has supported preventive detention for years.

Tydings himself adds that much more must still be done to correct the causes of crime, here and nationally.

To his constituents, Tydings' role as sponsor of the bill should ease some of the pressure he has been under to use his Committee chairmanship to block any supposed spillover of crime from Washington into Montgomery and Prince George's counties, his aides say.

Senate Roll Call On D.C. Crime Bill

United Press International

Here is the 54-33 vote by which the Senate sent to the White House yesterday a controversial crime bill for the District of Columbia containing authority for police to enter homes without knocking under court warrant and for judges to jail some defendants up to 60 days without bail prior to conviction:

For the Bill (54).

Against the Bill (33).

United Press International

FOR THE BILL (54)

Allen	McGee
Bible	McIntyre
Burdick	Moss
Byrd, Va.	Pastore
Byrd, W. Va.	Proxmire
Eastland	Randolph
Ellender	Sparkman
Harke	Spong
Holland	Symington
Hollings	Talmadge
Mansfield	Tydings
McClellan	

Republicans For (31)

Aiken	Jordan, Idaho
Allott	Miller
Baker	Murphy
Bellmon	Pearson
Bennett	Percy
Boggs	Prouty
Curtis	Saxbe
Dole	Schweiker
Dominick	Scott
Fannin	Smith, Ill.
Goldwater	Stevens
Griffin	Tower
Gurney	Thurmond
Hansen	Williams, Del.
Hatfield	Young, N.D.
Hruska	

AGAINST THE BILL (33)

Democrats Against (24)

Anderson	Jordan, N.C.
Bayh	Kennedy
Church	McCarthy
Cranston	McGovern
Eagleton	Metcalf
Ervin	Mondale
Fulbright	Muskie
Gravel	Nelson
Harris	Ribicoff
Hart	Stennis
Hughes	Williams, N.J.
Jackson	Yarborough

Republicans Against (9)

Brooke	Goodell
Case	Javits
Cook	Mathias
Cooper	Packwood
Fong	

Paired For: Cannon, Long, Montoya.

Paired Against: Young, Magnuson, Inouye.



Associated Press

ANOTHER BIG ONE—Vice President Agnew and other officials inspect the new McDonnell Douglas DC-10 jet-liner at Long Beach, Calif. The craft is 182 feet long and is designed to carry up to 350 passengers.