

# Key Features Of Measure on Crime, Guns

Here are the key provisions of the "Omnibus Crime Control and Safe Streets Act" sent to President Johnson yesterday by Congress:

**Safe Streets**—Authorizes \$100 million in Federal aid the first year and \$300 million the second to help states and local agencies enforce the law. Most of the money would be handed to the states, according to their population in "block grants." Special emphasis is put on programs aimed at controlling urban riots and organized crime. The funds would be distributed from Washington by a bipartisan Law Enforcement Assistance Administration upon approval of state plans for spending the money.

**Court Decisions**—The most controversial section of the bill. Applicable only in the Federal courts and the District of Columbia, its provisions would make "voluntariness" the sole test of the validity of a confession in criminal cases.

The bill specifies that the trial judge shall determine whether, all things considered, the confession is voluntary. He is not automatically required to bar its use because police delayed in bringing the suspect before a magistrate for arraignment, or because they did not advise him before obtaining the confession that he had a right to remain silent and a right to get a lawyer.

Further specifies that in the District of Columbia and other federal jurisdictions, a

confession made by a suspect before arraignment may be admitted as evidence even if police delayed as long as six hours before arraigning him, provided the confession was considered voluntary.

The bill would thus override Supreme Court decisions in the Mallory and Miranda cases making confessions inadmissible because of delays in arraignment, failure to advise suspects of their rights to counsel and to silence, or failure to supply him with counsel.

The bill would also permit eyewitness testimony growing out of police line-ups, overturning a Supreme Court decision ruling out line-up identifications of a suspect outside the presence of a defense attorney.

None of the new rules in the bill would apply to state courts since Congress can set procedures only for the Federal judiciary; the state courts would still be bound by the Miranda ruling (spelling out the right to counsel and the right to remain silent) and the Wade decision (governing eyewitness testimony), which the Supreme Court handed down on constitutional grounds. The Mallory decision on arraignment delays, which was based on the Federal rules of criminal procedure, has not been binding on state courts.

**Wiretapping**—Permits wiretapping and bugging by Federal, state and local law officers under court order in national security cases and a long list of suspected Federal and state crimes. In "emergency situations," officers are also authorized to eavesdrop for 48 hours before asking for court permission.

**Gun Controls**—Plans interstate mail order sales of handguns and permits over-the-counter sales of handguns within a state only to residents over 21. Rifles and shotguns are not covered by the restrictions. The bill also outlaws possession of any sort of firearms by persons convicted of a felony, mental incompetents, veterans with anything less than an honorable discharge, Americans who have renounced their citizenship and aliens illegally in this country.

**Federal Employment**—Calls for the dismissal of any Federal or D.C. Government employe convicted of riot-connected felonies and disqualifies others similarly convicted from Government employment for five years.

**FBI Director**—Makes the appointment of any successor of J. Edgar Hoover as head of the FBI subject to Senate approval.