

Fast Trial Plan Gains In House

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The House Judiciary Committee approved yesterday a measure that would require most defendants charged with federal crimes to be brought to trial within three months of arrest and two months of indictment or be set free, never to be tried on that charge again.

The committee voted also to drop a provision in the bill that would have applied the same standard to D.C. Superior Court as well as to all federal courts. The local judiciary opposes the inclusion of Superior Court on grounds that would violate the spirit of home rule.

The Senate in July passed a markedly different version of the speedy trial bill, including the Superior Court and allowing cases to be retried by prosecutors after judges threw them out because of delay.

Congressional sources said they expect the House Judiciary version to pass the lower chamber and for differences to be worked out in a Senate-House conference committee.

Liberals in both houses initiated the measure in 1971 as a reaction to the Nixon administration's preventive detention law, under which dangerous defendants could be held without bond for 60 days before trial. The stated goal of the liberals' bills "to assist in reducing crime and the danger of recidivism by requiring speedy trials."

The bill's primary sponsors

are Sen. Sam J. Ervin (D-N.C.) and Rep. John Conyers, Jr. (D-Mich.).

Before yesterday's voice vote approving the measure, Democrats and liberal Republicans on the House Judiciary Committee repeatedly beat back conservative Republican efforts to weaken the bill's provisions.

Led by Rep. Charles E. Wiggins (R-Calif.) and Rep. David W. Dennis (R-Ind.), the minority sought to delete the requirement that a defendant could not be retried on the same charge and to lengthen the time limits to be imposed.

The bill's defenders pointed out that the time limits are to be installed over a four-year period and that judges may make exceptions where they find that the "ends of justice" outweigh the interest of the defendant and society in a speedy trial.

Under rules of the U.S. District Court here, defendants must be indicted within 30 days of arrest and tried within six months of indictment, three months if the defendant is in jail. The median time between indictment and trial is 3.2 months, longer than the proposed maximum.

The median time is the one that lies in the middle of the group of time periods surveyed.

In D.C. Superior Court, felonies generally are tried seven to eight weeks after indictment, according to Chief Judge Harold H. Greene.

The motion to strike D.C. Superior Court from the bill came from Rep. William S. Cohen (R-Maine), who said the court's inclusion went against "the whole notion of home rule" for the District of Columbia.

Only Rep. Dennis raised a question: "If this is a good bill in general, what makes this a bad bill for D.C.?" There were no audible dissents in the voice vote to delete Superior Court from the measure.