

NARCOTICS RAIDS WITHOUT WARNING VOTED BY SENATE

Provision Cleared 70 to 15
—Agents With Warrants
Could Break Into Homes

NY TIMES

28 JAN 70

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Special to The New York Times

WASHINGTON, Jan. 27 —

The Senate approved today a modified "no knock" statute under which Federal agents could break into a home without warning or identification if they feared narcotics were about to be destroyed inside.

The final vote was 70 to 15 in favor of the controversial law enforcement proposal. In a critical earlier test, the "no knock" provision, sponsored by Senator Robert P. Griffin, Republican of Michigan, survived a tabling motion by 44 to 40.

It took three days of debate to write the new narcotics raid authorization into a 100-page omnibus drug bill that the Senate is expected to approve tomorrow or Thursday. The measure will then go to the House, which has not yet produced comparable legislation.

A Protest by Ervin

Approval of the "no knock" law came despite a protest by Senator Sam J. Ervin Jr., Democrat of North Carolina, that it would not mean "using the keys of the king to open all the doors but using the king's axe to knock down the door and break the window."

Only yesterday, Senate leaders were predicting that Senator Ervin would win his fight to eliminate the provision from the bill, which is sponsored by Senator Thomas J. Dodd, Democrat of Connecticut.

But Senator Griffin turned the tide by proposing slightly tighter language that was identical to a section of a crime bill for the District of Columbia that the Senate had ap-

proved only last month. A number of Senators found it impossible to vote down now the same provision they had so recently backed.

Originally, the Dodd bill authorized a judge to issue a warrant for a "no knock" raid if he found probable cause to believe that illicit narcotics supplies "may be" destroyed or disposed of if agents gave notice of a raid.

As amended by Senator Griffin, the statute provides for such a warrant if it is probable that the narcotics "will be" destroyed or disposed of. The Senator said this would make it somewhat more difficult to get such warrants.

Although most Senate critics of the provision discussed it in terms of agents breaking into private homes, it would be

Continued on Page 16, Column 1

Continued From Page 1, Col. 5

equally applicable to raids on offices of doctors suspected of narcotics trafficking or any kind of structure in which drug supplies were hidden.

Senator Griffin said during the debate that 29 states permitted some version of "no-knock" raids, either by statute or court-sanctioned custom. New York State enacted such a law in 1964, and the United States Supreme Court subsequently declined to hear an appeal of its constitutionality.

'Hoodlums Are Watching'

Arguing that the new legal machinery was necessary to combat the rising narcotics traffic, Senator Dodd told his colleagues: "The hoodlums are watching us, the dope peddlers are watching us. They want to know if we mean what we say."

After a long debate and parliamentary wrangle, the Senate defeated an amendment sponsored by Senator Harold E. Hughes, Democrat of Iowa, that was designed to transfer Government judgments on the relative effect of various narcotics, and other health questions, out of the Department of Justice.

Senator Dodd objected to depriving the Attorney General of broad supervisory powers to determine what narcotics were dangerous and how dangerous. He argued that "this is

an enforcement bill, not a research bill, not a rehabilitation bill."

Senator Roman L. Hruska, Republican of Nebraska, declared that the Hughes amendment, plus four others the Iowan is pressing, would "emasculate the bill and change its thrust, philosophy and rationale from a law enforcement measure and give it to the sociologists and scientists over the H.E.W."

Other Amendments

Among Senator Hughes's pending amendments is one that would require a recommendation from the Secretary of Health, Education and Welfare for the Attorney General to be able to classify a drug. Another would cut most of the penalties for possession and distribution of marijuana in half.

The Hughes amendment defeated today was originally passed, 42 to 41. Then, however, its opponents won two backtracking procedural votes, got a second opportunity for a vote on the measure and defeated it, 45 to 36.

The Senate adopted by voice vote one of Senator Hughes's amendments. These would prevent the Attorney General from obtaining from Government agencies the names of narcotics and patients and other research subjects who had been promised anonymity in exchange for information on their cases.