JUN 22 1970

The New York Times

Published every day by The New York Times Company

ADOLPH S. OCHS, *Publisher 1896-1935*
ARTHUR HAYS SULZBERGER, *Publisher 1935-1961*
ORVIL E. DRYFOOS, *Publisher 1961-1963*

Against the Law

The Administration's package of anticrime bills is loaded with provisions of doubtful constitutionality.

The dangerous nature of some of the proposals on organized crime has been underscored by study groups of both the American Bar Association and the Association of the Bar of the City of New York. The City Bar Association's committee on Federal legislation has put it plainly:

"It is easy to understand the clamor of those who would end victimization by organized crime. But we must reject solutions which purchase freedom from organized crime only by sacrificing rights which are woven into the fabric of our most basic liberties."

The Organized Crime Control Act of 1969 (S.30) passed the Senate by an overwhelming vote and is now under study by the House Judiciary Committee. Some provisions in its ten titles can be useful, but the major sections of the act as drafted could break down procedural safeguards and individual rights.

Among the flaws which would confuse or overturn the rights of citizens in the pretrial, trial and appeals stage are these: grand juries could publicly accuse an official of misconduct without an opportunity to reply; a grand jury witness could be jailed for three years without trial or bail for not testifying; evidence illegally obtained (by home and office searches or electronic bugging) would no longer be disclosed to a challenging defendant—as the Supreme Court ruled last year was necessary; a judge could throw a man into jail for thirty years, even if a crime called for a short term, on evidence inadmissible at a trial.

Such poorly drawn and excessively drastic legislation could open the door to inquisitions and jailings of both private citizens and public officials whenever prosecutors and those in positions of power could get away with it. The organized crime bill, as it stands, is a crime against the law.

In addition to the organized crime bill, the principal Administration proposals against crime deal with the District of Columbia, singled out for special treatment as the nation's "crime capital," and with the question of preventive detention.

The District of Columbia bill is considered a "model anticrime program" by Attorney General Mitchell but "a blueprint for a police state" by Senator Ervin of North Carolina. It is not all bad—just in large part. The useful features concern court reorganization and giving the Federal Government greater financial responsibility for public safety programs.

The rest of the District of Columbia bill is patently full of repressive devices. It includes sections under which juveniles less than sixteen years of age could be tried in regular courts, would have no right to trial by jury and could be found delinquent on the basis of a "preponderance of evidence." Policemen could enter homes and offices without announcing themselves, wiretap for all sorts of crimes, even intrude on talks between doctor and patient and between lawyer and client. A third-time purse-snatcher could be sent to prison for life.

The preventive detention bill would apply in all Federal courts and overturn existing bail practices. It would place judges in the unwanted role of prophets by granting them authority to imprison accused persons on the broad grounds that they might commit a crime or might be a danger to the community. Except in extreme cases, speedy trial is a far better answer to the problem than is preventive detention, which—apart from basic repudiation of the doctrine of innocence until proved guilty—flies in the face of the First, Fourth, Fifth, Sixth and Eighth Amendments.