

ACLU NEWS

JULY 70

Dangerous and Unconstitutional

ACLU Condemns Organized Crime Bill

The American Civil Liberties Union last month urged members of the House Judiciary Committee to reject most of S. 30, the Senate-passed Organized Crime Control Bill, as a dangerous and unconstitutional threat to the civil liberties of all citizens.

Testifying before a Subcommittee of the House Judiciary Committee, Lawrence Speiser, Director of the Washington D. C. Office of the ACLU, joined with the American Bar Association and the Bar Association of the City of New York in calling for a complete revision of S. 30. Noting that the bill makes vast changes in the federal law applicable to all kinds of criminal cases, not just those involving organized crime, Mr. Speiser likened it to the work of "men of zeal who have forgotten that a good goal does not justify illicit means."

Most Dangerous Provisions

Among the most dangerous provisions of the bill:

—denial of the privilege against self-incrimination while permitting prosecution for crimes which the compelled testimony may reveal,

Imprison Witnesses

—power given to courts to imprison witnesses summarily who refuse to testify for 36 months or longer, without a jury trial and without bail,

—impairment of a defendant's right to cross-examine witnesses by permitting pretrial depositions to be used in lieu of "live" testimony in criminal cases,

Wiretapping

—severe limitation of defendant's right to object to use of all kinds of evidence in federal and state proceedings admittedly obtained by violating the Constitution, including wiretap, coerced confessions, and illegal searches,

—use of such illegally obtained evidence without any disclosure

to the defendant,

—vaguely defined offenses which do not give adequate notice of conduct to be subject to criminal penalties,

Investigative Demand

—"civil investigative demand" with which the Attorney General may demand the production of documents from anyone he believes may have such material, without any requirement for a court order, and without adequate safeguards against compulsory self-incrimination,

—special sentencing provisions permitting up to 30 years imprisonment for loosely-defined "dangerous special offenders," in the absence of meaningful due process,

—the right given to the government to appeal a sentence and have it increased.