

Mitchell's Defense of 'No Knock'

SPECIAL
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Washington

Attorney General John N. Mitchell told Congress yesterday that the "no knock" authority the Justice Department is seeking to strengthen the search powers of Federal agents has become a widely misunderstood "catchword."

He said "quick entry" would be a better description.

The Attorney General defended the principle of forced entry without warning after a warrant has been obtained before the House Ways and Means Committee.

LIMITATION

Mitchell emphasized that if Federal agents are granted "no knock" power they cannot enter private homes at any time on their own decision.

"Under the 'no knock' rule," he said, "an agent may enter a person's premises without announcing his authority and purpose only if he has obtained a search warrant from a judge and the judge has been persuaded there is probably cause that evidence will be quickly and easily destroyed or that there is a danger to life and limb of the agent."

"I would remind you we are dealing with clever and ruthless drug peddlers, who

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have no hesitation about taking the life of an agent," Mitchell added.

"Without no-knock an agent not only risks his life, but gives the drug peddler the opportunity to destroy the evidence at the same time."

EPIDEMIC

Urging the committee to act promptly on a package of proposals to tighten the law on control of narcotics and marijuana, Mitchell said "Drug abuse has reached the epidemic stage among our young people."

"Schools all across the country are about to reopen for the fall semester," Mitchell said. "Millions of young people will begin leaving for classes early in the morning, not to return until many hours later. Concerned parents will ask themselves: Is this the day that our son or daughter will swallow a pill or smoke a marijuana cigarette?"

Authority for "no knock" searches is contained in the District of Columbia crime bill now before the Senate for final approval and in a new tough narcotics bill that was approved by the Senate last January and is now pending in the House Ways and Means Committee.

DEBATE

This anti-crime weapon was attacked and defended on the Senate floor yesterday the District of Columbia measure. The bill will come up for a final vote on Thursday.

The 500-page measure before the Senate is a conference report, the product of three months of effort by representatives of the House and Senate to compromise differences between the separate bills they passed earlier.

As a conference report, it is not subject to amendment

— for example, it would not be possible to delete the "no knock" provision — but must be adopted or rejected as a whole.

Senator Charles E. Goodell (Rep-N.Y.) led the attack on the crime bill yesterday, charging that the "no knock" provision was "noxious policy, bad law that is likely to be unconstitutional."

PENALTIES

Goodell also criticized sentencing provisions in the bill that would make a five-year jail sentence mandatory on the second conviction for an armed crime of violence and permit a life sentence on the third conviction for a felony. He said such sentences had not discouraged crime in the past.

Senator Joseph D. Tydings (Dem-Md.), chief sponsor of the bill, warned Senate opponents that the House would not accept any "watered-down" version that might be drafted if the present conference report should be voted down.

"If this conference report fails," Tydings said, "there will be no D.C. crime legislation in this Congress. And any D.C. crime legislation in the future will have in it every feature this bill contains and perhaps even some of the odious features the Senate conferees eliminated from the House-passed bill in conference."

Included in Part