

SENATE APPROVES STIFF CRIME BILL FOR WASHINGTON

Foes Say Measure, Passed by a Vote of 54 to 33, Is a Model for the Nation

NIXON'S ASSENT IS SEEN
JUL 24 1970

Margin Linked to a Lag in Southern Opposition and Election-Year Fears

By WARREN WEAVER Jr.
Special to The New York Times

WASHINGTON, July 23 — The Senate decisively approved today the controversial District of Columbia crime bill. The vote, 54 to 33, was far from the close outcome that critics of the measure had hoped to achieve after a week of debate.

Passed in its final form by the House two weeks ago, the measure now goes to President Nixon for his signature, which is not in doubt. It is the first crime bill that Congress has sent the President since he took office 18 months ago.

Opponents of the measure had contended that it was not merely a local law enforcement bill but also represented the national crime policy of the Nixon Administration. Senator Sam J. Ervin Jr., the North Carolina Democrat who led the attack, said Attorney General John N. Mitchell had made this "very explicit."

"The Attorney General holds this bill up as a model for all the states of the nation," Senator Ervin declared. "All Senators should know he hopes to have it imposed on all their constituents as well as the residents of the District."

'No-Knock' Included

Among the features of the stringent bill that were attacked by the critics as being unconstitutional or repressive were the following:

Authorization for "no-knock" searches, under which a policeman with a warrant could force his way into a

building without announcing his presence or identifying himself if there was reason to believe evidence inside would otherwise be destroyed.

Preventive, or pretrial, detention, under which a defendant could be jailed without bail for up to 60 days if a hearing established that he might commit further crimes if he were released.

Establishment of a mandatory five-year sentence upon a second conviction for a crime of violence in which the defendant was carrying a gun.

Authorization for wiretaps by the police with court approval, but restricting their use when the communication involved was between physician and patient; attorney and client; clergyman and parishioner, or husband and wife.

During his 1968 Presidential campaign, Mr. Nixon had made crime in the District of Columbia a symbolic national issue, calling the city "the crime capital of the nation" and pledging to curb crime if elected.

Opponents of the crime bill fell far short of defeating it on

Continued on Page 12, Column 4

Continued From Page 1, Col. 8

the last available opportunity for at least two reasons. Senator Ervin, who had been able to attract a considerable bloc of Southern votes on similar occasions, won over only three Southerners today.

In addition, there was a distinct reluctance among Senators who are running for reelection this fall to vote against the bill. Of the 29 who are running for another term, eight opposed the measure on the final roll-call.

Senator Ervin had recognized this problem during the debate, saying: "I hear the siren voice of that old devil, political expediency, whisper in my ear, 'You better vote for the D.C. bill because it's a law-and-order bill. It's not politically sagacious, not politically wise, to vote against a law-and-order bill.'"

Supporters of the bill contended that, beyond its controversial features, it provides for a modernization and consolidation of the Washington court system; establishment of a new family court and new bail agency; creation of a public defender for the poor defendants, and a revised code of criminal procedure.

Breakdown of Crimes

They stressed the need for more effective law enforcement

in a city in which more than 56,000 felonies were reported last year, including 7,000 armed robberies, 287 murders and 336 cases of forcible rape.

Senator Mike Mansfield of Montana, the majority leader, said he was supporting the crime bill because the most controversial provisions "have been safeguarded to the extent that they are not, in fact, constitutionally impaired."

Mr. Mansfield also took pains to defend the Senate against repeated Republican charges that Congress had obstructed President Nixon's crime program. He listed 13 major crime proposals already passed by the Senate and said there was only one major exception—extending preventive detention to all Federal Courts.

The President has submitted a dozen crime bills to Congress, but the District of Columbia measure is the first to be approved in something resembling its original form. A number of the Nixon requests have been passed by either the House or Senate in separate or omnibus bills but have not yet reached the President's desk.

The measure approved by the Senate was a conference report, a compromise reached by representatives of the Senate and House after more than three months of efforts to reconcile the different bills that each house had earlier passed.

Comment by Ervin

Senator Joseph D. Tydings, Democrat of Maryland, who was the chief Senate sponsor of the bill, argued for the last week that a large number of House provisions that would have made the measure even more objectionable to the Senate had been dropped by the conference committee.

But this did not prevent Senator Ervin from declaring today: "We are told it is necessary for us to throw provisions of the U.S. Constitution into the judicial garbage pail in order to cope with crime in the District of Columbia."

Opponents contended that the pretrial detention provision of the bill violates the Eighth Amendment prohibition against excessive bail in noncapital cases. They also said that the "no-knock" search authorization ran counter to the Fourth Amendment's guarantees against unreasonable search and seizure.

Senator Tydings argued that the preventive detention plan was far less hypocritical than the current tacitly accepted system of keeping accused prison-

ers in jail by setting high bail. He said there were 1,400 such defendants currently in the District of Columbia jails awaiting trial, placed there without the hearing that pretrial detention

Senate Role-Call Vote On District Crime Bill

WASHINGTON, July 23 (AP) — Following is the roll-call vote by which the Senate passed today an anticrime bill for the District of Columbia:

FOR PASSAGE—54

Democrats—23
Allen (Ala.)
Bible (Nev.)
Burdick (N.D.)
Byrd (Va.)
Byrd (W. Va.)
Eastland (Miss.)
Ellender (La.)
Hartke (Ind.)
Holland (Fla.)
Hollings (S.C.)
Mansfield (Mont.)
McClellan (Ark.)

Republicans—31
Aiken (Vt.)
Allott (Colo.)
Baker (Tenn.)
Bellmon (Okla.)
Bennett (Utah)
Boggs (Del.)
Curtis (Neb.)
Dole (Kan.)
Dominick (Colo.)
Fannin (Ariz.)
Goldwater (Ariz.)
Griffin (Mich.)
Gurney (Fla.)
Hansen (Wyo.)
Haffield (Ore.)
Hruska (Neb.)

AGAINST PASSAGE—33
Democrats—24
Anderson (N.M.)
Bayh (Ind.)
Church (Idaho)
Cranston (Calif.)
Eagleton (Mo.)
Ervin (N.C.)
Fulbright (Ark.)
Gravel (Alaska)
Harris (Okla.)
Hart (Mich.)
Hughes (Iowa)
Jackson (Wash.)

Republicans—9
Brooke (Mass.)
Case (N.J.)
Cook (Ky.)
Cooper (Ky.)
Fong (Hawaii)

Not voting but announced as paired (pairs are used to denote the opposing position of Senators when one or both are absent):

Democrats for passage—Cannon of Nevada; Long of Louisiana; Montoya of New Mexico.
Democrats against passage—Young of Ohio; Magnuson of Washington; Inouye of Hawaii.
Not voting or paired but announced as for passage: Republicans—Cotton of New Hampshire; Mundt of South Dakota; Smith of Maine.



The New York Times (by Mike Lien)

AFTER BILL WAS APPROVED: Democratic Senators, Joseph D. Tydings, of Maryland, chief sponsor, and Mike Mansfield, of Montana, discuss District of Columbia crime bill.