

CONGRESS CLEARS NIXON-BACKED BILL TO COMBAT CRIME

Measure Intended to Control
Racketeering and Curb
Terrorist Bombings
OCT 13 1970

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, Oct. 12—The Senate passed and sent to the White House today a controversial bill designed to curb racketeering and terrorist bombings.

The bill, a top priority measure in President Nixon's anticrime legislative package, gives the Federal Government new powers to deal with organized crime and establish Federal jurisdiction over major gambling operations. In addition, it establishes Federal control over the interstate sale of explosives and authorizes the Federal Bureau of Investigation to investigate campus bombings.

Known as the Organized Crime Control Act, the bill was first passed by the Senate in January by a 73-to-1 vote. It became stalled in the House Judiciary Committee, where some of the committee members objected that some features of the bill were unconstitutional and repressive.

With mounting political pressure on the "law and order" issue, the bill was finally brought to the House floor last week and passed by a vote of 341 to 26.

Senate Accepts Changes

By a voice vote, the Senate decided today to accept the House version of the bill rather than delay the legislation by sending it to a House-Senate conference committee to reconcile differences between the two versions.

In urging acceptance of the House amendments to the Senate bill, Senator John L. McClellan, Democrat of Arkansas,

said the "comparatively small differences" between the House and Senate versions "can hardly justify the certain further delay — and the possible disagreement that conference might entail."

"This law is needed," he said. "Every day that its final enactment is delayed will lend further convenience, comfort, protection, if not immunity, to many organized crime offenders. The nation needed this legislation six months ago. It needs it now."

During the brief discussion on the Senate floor, only Senator John Sherman Cooper, Republican of Kentucky, rose to

Continued on Page 17, Column 2

ask questions about the House bill and to express concern that some of the provisions were unconstitutional infringements upon personal rights. Senator McClellan, in responding to Senator Cooper's question, frequently had to be advised by an aide about the details in the bill about to be passed by the Senate.

Origin in Johnson Panel

While the broad outlines of the bill grew out of recommendations of President Johnson's Commission on Crime, the legislation, once introduced in Congress, was embraced by President Nixon and became an integral part of the Administration's anticrime package.

The bill was frequently cited by President Nixon and Vice President Agnew in complaining about the inaction of the Democratic-controlled Congress on the Administration's crime proposals.

With the Senate action to-

day, the bill will reach the President's desk in time to be signed before the elections. With the wave of anticrime legislation passed in recent days, Democrats in Congress, in turn, will be able to take credit for moving legislatively on the "law and order issue."

One of the more controversial features in the bill empowers special grand juries to issue reports—as distinct from indictments — on noncriminal misconduct by an appointed public official involving organized criminal activity. The objection raised during the consideration of the bill was that insufficient safeguards were provided to protect the accused person against reports made public by a grand jury.

Another controversial feature authorizes Federal judges to impose an additional sentence of up to 25 years on a special class of so-called "dangerous special offenders." The additional sentence could be imposed upon a convicted person on the basis of a hearing before a judge rather than on the basis of a jury trial.

A "dangerous special offender" is defined as a defendant who has previously been convicted of two felonies, whose criminal offense was part of a pattern of criminal conduct, or whose crime was part of a conspiracy to engage in a pattern of criminal conduct.

The measure also makes it a Federal crime to operate an illegal gambling business, to participate in a conspiracy to obstruct enforcement of state or local gambling laws, or to use money from organized crime to acquire or establish

a legitimate business engaged in interstate commerce.

The bill also revised the laws dealing with a witness's immunity from prosecution, the admissibility of illegally obtained evidence, perjury and contempt of court, in an attempt to overcome some of the problems in gathering evidence encountered in organized crime cases.

At the Administration's request, the House included provisions establishing Federal controls over explosives. The bill provides for a Federal system of licenses for the sale or transportation of explosives and authorizes the death penalty for bombings that result in death.

* voting against: Lee Metcalf, Montana. See this file 6 Nov 70, article by Dennis Levitt, LA Free Press, third page.