

MITCHELL SEEKS NEW CRIME CURBS

Urges Congress to Require
Identity Check for Suspect
Before He Is Charged

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WASHINGTON, March 9—

The Nixon Administration asked Congress today to pass a law enabling Federal law-enforcement officers to obtain court orders that would require suspects in criminal cases to submit to fingerprinting, handwriting analysis, medical tests and identification lineups prior to being charged.

Persons who refused to comply with such orders could be punished for contempt of court.

Attorney General John N. Mitchell said in sending the proposed legislation to Capitol Hill that the measure would furnish "a useful new tool" for obtaining evidence and apprehending criminals.

Its purpose would be to establish a judicial procedure for obtaining evidence of identifying physical characteristics of persons who were reasonably suspected of criminal activity when the police lacked "probable cause" to make an arrest.

Mr. Mitchell said in letters to House Speaker John W. McCormack and Vice President Agnew, who presides over the Senate, that the bill would au-

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thorize Federal officials to obtain such evidence by applying to a Federal judge, commissioner or magistrate of a subpoena-like order.

The officer would state in an affidavit his reasons for requiring the suspect to submit to the tests. If the judge found that there was probable cause to believe that an offense had been committed, that there was reason to believe that the named suspect was responsible and that the tests would materially aid in the investigation, he

would order the suspect to submit to the tests.

Within 45 days after the identification tests, the officers would be required to report the results to the court.

Mr. Mitchell said that the law would require suspects to submit to identification by "fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, photographs and line-ups."

A major effect of the proposed law would be to deal with law enforcement problems that were created by a Supreme Court decision handed down in April, 1969, in *Davis v. Mississippi*. The Court held that fingerprints taken from suspects who had been rounded up without probable cause in an illegal "dragnet" arrest

could not subsequently be used in court.

Prior to that decision, policemen frequently obtained fingerprints, handwriting exemplars, hair and blood samples and other evidence of physical characteristics simply by bringing likely suspects to the station house "on suspicion."

Senate Hearing to Start

The Davis decision made it clear that such evidence could no longer be used in court if obtained by means of illegal arrests. However, Justice William J. Brennan Jr.'s opinion for the Court hinted that such evidence might be legally obtained through a system of court order such as those recommended today by Mr. Mitchell.

His bill is similar to one introduced last October by Senator John L. McClellan, Arkansas Democrat, who will begin

two days of Judiciary subcommittee hearings on the idea tomorrow morning.

The proposed bills would not apply to state and local police procedures, but states would be expected to copy the idea if Congress adopted it and the Supreme Court found it constitutional.

In a speech this afternoon at a meeting here of the National League of Cities, Mr. Mitchell delivered a vigorous defense of the Federal Government's system of furnishing Federal aid to state and local governments by means of large grants to state agencies, which are required to pass certain amounts on to local units.

Many officials of large cities have complained that too much of the Federal money ends up at the state and small-city level, and that too little goes to

big cities with high rates of crime.

"A direct grant program to the cities would make Washington a dictator over every anticrime project in the country," Mr. Mitchell replied.

"It would also by necessity spawn an enormous Federal bureaucracy to evaluate these programs and would undermine the whole concept of a Federal-state cooperative partnership which this Administration is attempting to establish in the anticrime area and in other areas of social progress."

He said that it would be unwise for the Federal Government to increase its anticrime aid from the \$480-million that President Nixon has recommended for the coming year to as much as \$1-billion, which some city officials have said is needed.