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2 BAR UNITS SCORE NIXON CRIME BILL

City Group Says Mafia Curb
Could Spur 'Repression'

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WASHINGTON, June 10 —

Opposition to the Nixon Administration's proposals for fighting organized crime has developed within the legal profession, only three weeks after President Nixon called upon bar organizations to help him pass his anticrime program.

Today two lawyers, representing the Association of the Bar of the City of New York charged in testimony before the House Judiciary Committee that the pending anticrime bill "contains the seeds of official repression."

Meanwhile, officers of the American Bar Association's section on criminal law officially notified the association's governing board that the section's ruling council had voted to disapprove the language of five of the 10 provisions of the 75-page measure.

Although the A.B.A. normally comments on legislative proposals only through its national officers, the criminal law section asked the board of governors for special authority to testify before the House Judiciary Committee within the next few days.

Changes Are Favored

Both bar groups said that they could support the broad objectives of the bill if objectionable provisions were deleted or changed.

The sudden show of opposition came as a surprise. The measure breezed through the Senate, 73 to 1, in January, and President Nixon followed up May 22 with a letter to Bernard G. Segal, president of the American Bar Association, asking for his help in pushing this and other anticrime measures through Congress.

The complex measure on organized crime had gone largely unnoticed. It does not contain such controversial measures as the preventive detention and "no-knock" provisions that the Nixon Administration has advocated in other bills.

The organized crime measure, largely the brainchild of Senator John L. McClellan, Democrat of Arkansas, is a collection of widely diverse provisions, some of them highly technical.

It would give Federal grand juries authority to issue critical reports on allegedly corrupt public officials; authorize unusually long prison terms for racketeers who are convicted of certain offenses; permit recalcitrant grand jury witnesses to be held in jail for up to three years for refusing to testify, and permit the Government to attack the crime syndicate's financial holdings through civil remedies similar to those used in antitrust suits.

Today Sheldon H. Elsen, chairman of the committee on Federal legislation of the New York City bar association, and Robert J. Geniesse, a member of the committee, presented the Judiciary Committee with a 53-page critique. They denounced the bill as loosely drafted and depicted it as impatient with constitutional rights and procedures.

The two lawyers focused their criticism on two points. One was the proposed grand jury reports, which they said could be used to defame persons who would have no effective means of reply. The second was the proposal to permit judges to impose prison terms of up to 30 years on alleged crime syndicate figures on the basis of information of chronic criminal activity that might not be admissible as evidence in an ordinary criminal trial.

Wiretap Expert Critical

They also criticized a section that would bar defendants from raising constitutional objections to the admissibility of illegally seized evidence after five years.

Herman Schwartz, a law professor at the State University of New York at Buffalo, who is an expert on wiretap law, appeared today to criticize a proposal in the bill that would reverse a 1969 Supreme Court

decision. That decision gives defendants the right to see transcripts of any of their conversations that are overheard by Government agents by means of illegal listening devices.

Last weekend the 23-member council of the American Bar Association's criminal law section met in Chicago and voted to disapprove five of the bill's sections as they now stand but agreed to support four of these if certain changes were made.

The group's objections were directed at the proposals for grand jury reports on public officials, the 30-year terms for professional criminals, the effort to overturn the Supreme Court's wiretap ruling, the proposed civil contempt jail terms in excess of 18 months, and relaxed requirements of proof in perjury cases.

Today supporters of the crime bill on the Judiciary Committee questioned the New York bar association representatives closely as to possible ties to criminal clientele. They were informed that five of the nine lawyers who drafted the report were former Federal prosecutors, but that all now do some work as defense attorneys.

Supporters of the measure have pointed out that the A.B.A. group that met last weekend included several members who have represented defendants in organized crime cases.