

# Nixon Crime Package--A Model

By Elder Witt

WASHINGTON —(CQS)— Attorney General John Mitchell says it is a "model anti-crime package" which eventually may be applied to the whole country.

Sen. Sam J. Ervin Jr. (D-N.C.) says it is "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

"It" is the massive District of Columbia crime bill, the focus of controversy over the ways in which the Nixon Administration is proposing to fight crime.

Opposition to the Administration's priority crime-control bills — the district bill, a preventive detention proposal to apply in all 50 States, and an organized crime control bill — is mounting.

Mitchell says that holding dangerous defendants in custody before their trials will slow the rising crime rate. His predecessor Ramsey Clark calls such preventive detention "a tragic step backward."

Federal law now states that a man charged with a non-capital offense shall be released on bail unless he seems unlikely to appear for trial.

### Request From Nixon

In January 1969 Mr. Nixon asked Congress to authorize Federal judges to consider the danger a defendant might pose to the community and detain "dangerous hard-core recidivists" for 60 days before a trial.

Deputy Attorney General Richard Kleindienst said many judges now detain dangerous offenders by high money bond. Such bail manipulation, he said, is unreliable, discriminatory and hypocritical.

Opponents of pre-trial detention, captained by Ervin, call it unjustified, ineffective and unconstitutional.

A study commissioned by

the Justice Department to support its pre-trial detention proposal has provided opponents with ammunition against it. According to the study:

● Only one of every 20 persons charged with a serious crime was rearrested for a similar crime while out on bail.

● Few persons were rearrested during the first 60 days out on bail. The longer the time until the trial, the more likely and serious was a second crime.

Opponents of pretrial detention also contend that it violates the Sixth Amendment right to a speedy trial and the Eighth Amendment ban on excessive bail.

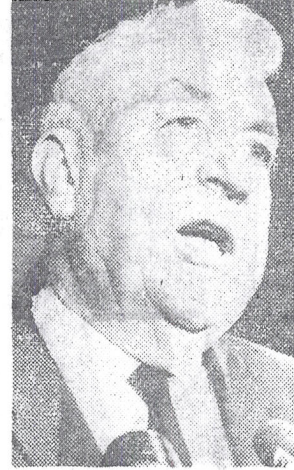
### Stubborn Opposition

Mr. Nixon in 1968 labeled the District of Columbia the Nation's crime capital, in July, 1969, he proposed legislation to transform the city into a model of law enforcement. But his proposed bills met stubborn opposition.

The Administration's "model anticrime program" was originally four bills. The Senate divided one, amended and approved four in 1969. The House District Committee, disregarding the more moderate Senate bills, redrafted the Nixon proposals



JOHN A. MITCHELL  
A 'model package'



SEN. SAM ERVIN  
Or a 'garbage pail'?

into more severe form and consolidated them.

The House approved the massive District of Columbia crime bill March 19. The house and Senate versions went to conference April 9.

Ervin described the House bill as "full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas." Under some of the bill's most controversial provisions:

● Policemen under certain circumstances could enter homes without knocking first.

● Policemen would be granted broad wiretapping powers.

● There would be no justifiable reason to resist arrest with force.

● Juveniles 15 years old charged with certain crimes could be tried as adults.

● Mandatory sentences would be prescribed for repeated offenders and persons committing armed crimes—even with toy guns.

Critics say that the "no-knock" and wiretapping provisions violate the Fourth Amendment guarantee against unreasonable search and seizure.

### Advised to Resist

Some black leaders have advised citizens to resist "no-knock" entry into their homes by "appropriate action"—which could mean shooting the entrant.

But the Justice Department says that this provision merely puts on the books guidelines for a current practice which the courts have condoned.

The bill's broad wiretapping powers grant unlimited authority for unjustified invasions of privacy, critics say. They warn that that provision will result in more officers on wiretaps and not on the streets, where most crime takes place.

Other changes proposed in the bill may have exactly the

## or 'Garbage'?

reverse effect from that which is intended, its critics argue. They contend:

● Youthful offenders are likely to win more sympathy—and a lighter

sentence—in adult than in juvenile court.

● When a judge and jury know a guilty verdict means

mandatory sentence, they might allow any possible doubt to sway them from that verdict.