# SENATE APPROVES STIFF CRIME BILL FOR WASHINGTON

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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 "noknock" 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, de tention, 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.

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

**G**Authorization for wiretaps by the police with court approval, but restricting their use when the communication involved was between physician and patient; attorney and parclient; clergyman and ishioner, 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 aavailable 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 tóday.

In addition, there was a distinct reluctance among Senatinct reluctance among Sena-tors who are running for re-election this fall to vote against the bill. Of the 29 who are run-ning for another term, eight opposed the measure on the final roll-call. Senator Ervin had recognized this problem during the debate

this problem during the debate, saying: "I hear the siren voice this problem during the debate, saying: "I hear the siren voice of that old devil, political ex-pediency, 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." bill.'

Supporters of the bill contend that, beyond its contro-versial features, it provides for a modernization and consolida-tion of the Washington court system; establishment of a new family court and new bail agency; creation of a public de-fender 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 in a 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 con that they are not, in fact, con-stitutionally impaired."

Mr. Mansfield also took pains to defend the Senate against repeated Republican charges that Congress had ob-President Nixo gram. He listed Nixon's isted 13 structed 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 rep-resentatives of the Senate and House after more than three months of efforts to reconcile the different bills that each 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 Sen-ate had been dropped by the conference committée.

But this did not prevent Senator Ervin from declaring to-"We are told it is necesday: sary for us to throw provi-sions of the U.S. Constitution into the judical garbage pail in order to cope with crime in the District of Columbia."

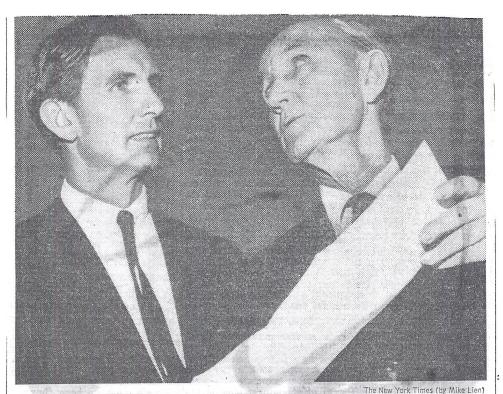
Opponents contended that the pretrial detention provision of the bill violates the Eighth Amendment prohibition against excessive bail in noncapital cases. They also said that the "no-knock" search authorization ran counter to the Fourth Amendment's guaranagainst unreasonable tees search and seizure.

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

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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





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.