

## GRAVE THREATS TO CIVIL LIBERTIES

in the proposed

## CRIMINAL JUSTICE CODE REVISION

Repressive Features of S. 1 (preliminary analysis)

DEATH PENALTY	Nullifies 1972 Supreme Court decision ( <u>Furman vs. Georgia</u> ) by making executions mandatory for certain crimes under certain conditions.
SECRECY	Reverses democratic decision making under the Constitution by substituting government secrecy for the freedoms guaranteed by the First Amendment. Provides penalties ranging from 3 yrs. - \$100,000 fine up to death penalty to prohibit public access to "national defense information." For the first time in history, would provide for criminal sanctions to enforce the administrative classification of documents.
"LEADING" A RIOT	Redrafts 1968 law. Provides 3 yrs. - \$100,000 fine for the "movement of a person across a state" line (as at Wounded Knee), or for even the use of the mail or telephone " in the course of planning, promotion" of a "riot". A "riot" is defined as "an assemblage of five" which "creates a grave danger" to "property."
WIRETAPPING	Reaffirms 1968 law permitting the president to wiretap domestic activities which he thinks are a "danger to the structure" of the government. Expands Attorney General's authority to wiretap alleged offenses related to First Amendment protections. Permits 48 hr. "emergency" taps without court approval.
WATERGATE CRIMES	Would inhibit the prosecution of wrongdoing by public officials when illegal conduct is covered by "an official grant of express permission" (e.g. from a President), and the public official "acted in reasonable reliance on such statement."
MARIJUANA	Provides 30 days - \$10,000 fine for possession of small amounts for personal use; 1 yr. - \$10,000 fine for selling 8 oz. or less. Penalties drastically increased for successive convictions.
DEMONSTRATIONS	Virtually every kind of civil rights and other protest action would be threatened with severe penalties.
SMITH ACT	Redrafts 1940 sedition act used in McCarthy era witch hunt trials until made inoperative by 1957 Supreme Court decision. Provides 15 yrs - \$100,000 fine for membership in an organization allegedly advocating the incitement of others to action which "at some future time would facilitate" the destruction of the government "as speedily as circumstances will permit," and where "intent" for such change can be shown.
OBSCENITY	Makes it a criminal offense for a person to disseminate any material describing sexual intercourse or depicting nudity.
INSANITY	Returns law to century-old primitive state. Would steer unequivocally sick people to jail rather than mental hospitals.
CIVIL RIGHTS	Fails to punish economic retaliation against persons exercising a civil right, as per present law.
POLICE FORCE	Allows officer to use deadly force to prevent escape of a person arrested for an allegedly violent crime, without regard to the danger to lives of others.