

Charles McCabe

Himself

More About SB 1

A PARADOX of our government is that some of our worst laws are enacted because the bad laws are tacked onto good laws as "riders." The dictionary says a rider is "a clause, usually dealing with some unrelated matter, added to a legislative bill when it is being considered for passage."

Congressman X, to create some jobs, in his district, wants a new post office built a couple of miles away from one that was built but two years ago. Not very good economy, outside his own district. Congressman X gets the new post office tacked onto an appropriations bill as a rider.



What he is saying: I get my post office, or the government will not get my vote for funds to run itself. This is precisely what San Francisco's Congressman Phil Burton did the other day, when he killed the long-standing and odious oil-depletion tax allowance by unexpectedly tacking it onto a major tax proposal.

This is what has happened to Senate Bill 1, one of the most important bodies of law to be proposed in our history. This bill has the entirely admirable intent of bringing into the late 20th Century our archaic criminal law system.

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EVERYBODY is for this general intent, from the American Bar Association down to ordinary people caught in the antique coils of the criminal law system.

But, in the Nixon Administration, a bunch of law and order cranks got into the act. With decided prodding from the top, the Justice department under John N. Mitchell began to inject their own poisonous notions of free speech into the overall reform bill.

The cranks, of course, knew that these ideas, embodied in specific bits of legislation, would have no chance of passage. Embedded in a bill embodying a generally needed reform, these revolutionary and repressive things had more or less to pass.

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I HAVE discussed the free speech provisions of the senate bill frequently in the past. But they are far from the end of the matter. Several readers have inquired what the measure proposes about other phases of individual freedom, apart from the press and assembly gags. This I propose to try to do.

One of the organizations working for the outright defeat of the whole of SB 1 is the National Committee Against Repressive Legislation. This organization goes well beyond the American Civil Liberties Union, which is also against the repressive features of the bill, but takes the view that these features can best be amended out, in the interest of larger reform.

The NCRL has gone over the huge proposal with thoroughness. Drug offenders, in the bill, would be punished with old-time Draconian severity, despite the recent lessening of penalties throughout the country.

Punishment for mere possession of pot is increased to 30 days federal detention and \$10,000 fine. For selling 10 ounces or less, penalties are increased to one year and \$10,000 fine.

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IN THE obscenity field, it would be a criminal offense for a person to disseminate any material describing sexual intercourse or depicting nudity except under the direction of a university, or as "authorized in writing by a licensed medical practitioner or psychiatrist."

The infamous *ley de fuga* of the Spanish police is calmly introduced into our criminal justice system. Under the proposed law, police officers are allowed to use deadly force to prevent the escape of a person who the officer believes to have been arrested as the result of a violent crime. This provision alone throws us far beyond 1984, or far before the Justinian Code, depending on how you look at it.

More tomorrow.