

NIXON CRIME PLAN SENT TO CONGRESS

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President Asks Harsh Steps, 'Without Pity'—He Seeks Curb on Judges' Power

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WASHINGTON, March 14—

President Nixon, asserting that the only way to attack crime effectively was "without pity," urged Congress today to revise the entire criminal code in a way that, in many cases, would increase penalties and reduce the discretion of Federal judges in imposing sentences.

In a 6,000-word statement, his sixth installment in a continuing State of the Union Message to Congress, Mr. Nixon said that he favored "automatic imposition of the death penalty where it is warranted" for war-related treason, sabotage, airplane hijacking when death occurs, bombing of public buildings and killing of law enforcement officials and prison guards.

He called for mandatory sentences of up to life imprisonment without parole for sellers of hard narcotics—"very harsh measures," he said, "but circumstances warrant such provisions."

Legislation that is to be sent to Congress in the next few days, he said, would also man-

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date the minimum prison terms that could be imposed in two other areas—for persons using dangerous weapons in the execution of a crime and for those convicted as leaders of organized crime.

The length of the recommended sentences in these two areas was not disclosed. In the past, minimum sentences have generally not been provided in the Federal criminal code and judges have had wide discretion in setting the length of the term.

A further recommendation by the President, as part of the general code revision, would make it harder for a defendant in a Federal court to win acquittal on the ground of insanity. Under the Nixon proposal, insanity would constitute a defense "only if the defendant did not know what he was

doing" when the crime was committed.

An Extension of Remarks

The message today was an extension of Mr. Nixon's radio address last Saturday on crime. He attributed the rise in crime to what he called "the growing sense of permissiveness" in the nineteen-sixties and, without naming anyone, said, "Many people were reluctant to take the steps necessary to control crime."

He then listed at length statistics and evaluations that he said proved that measures his Administration had imposed were bringing crime under control. Some of these statistics, such as the reduction of crime by half in the District of Columbia, have been challenged as inaccurate or misleading by Congressional committees.

"These statistics and these indices suggest that our anti-crime program is on the right track," Mr. Nixon said. "They prove that the only way to attack crime in America is the way crime attacks our people—without pity. Our program is based on this philosophy and it is working."

On drugs, Mr. Nixon said that he would propose "a new heroin trafficking act" that would impose the following minimum mandatory sentences for heroin and morphine offenses:

¶For a first offense, not less than five years in prison, nor more than 15, for trafficking in less than four ounces of a mixture containing heroin; 10 years to life for trafficking in more than four ounces.

¶For those with a prior felony narcotics conviction, 10 years to life imprisonment for trafficking in less than four ounces; life imprisonment without parole for trafficking in more than four ounces.

Strict Bail Curb Asked

In addition, no person charged with trafficking in heroin could be released under bond before trial unless the judicial officer found "that release will not pose a danger to the persons or property of others."

"These are very harsh measures, to be applied within very rigid guidelines and providing only a minimum of sentencing discretion to judges," Mr. Nixon said, "but circumstances warrant such provisions."

The trouble, he said, is that under present law and practice "the courts are frequently little more than an escape hatch for those who are responsible for the menace of drugs." Many drug pushers win probation, he said, and Federal judges are precluded by law from "considering the danger to the community when setting bail for suspects arrested for selling heroin."

"Pushers are immediately released on bail and are thus given the opportunity to go out and create more misery, gen-

erate more violence and commit more crimes while they are waiting to be tried for these same activities," Mr. Nixon said.

Benchmark Explained

Myles J. Ambrose, Assistant Attorney General in charge of drug enforcement, said in a White House news conference on the President's message, "We have to remove these people who traffic in heroin from the community."

As to the proposed sentences, Mr. Ambrose said that four ounces of heroin mixture was chosen as the benchmark because anyone caught with that much would not have it for his own use. The retail price of that amount is \$12,000 to \$15,000 and would supply about 180 addicts for one day.

On changing the use of the insanity plea, Mr. Nixon said that under present law the insanity test is determined by the United States District Courts and it thus varies around the country.

"The standard has become so vague in some instances," Mr. Nixon said, "that it has led to unconscionable abuse by defendants."

"My proposed new formulation would provide an insanity

defense only if the defendant did not know what he was doing," Mr. Nixon said. "Under his formulation, which

has considered support in psychiatric and legal circles, the only question considered germane in a murder case, for example, would be whether the defendant knew whether he was pulling the trigger of a gun."

"Questions such as the existence of an mental disease or defect and whether the defend-

ant requires treatment or deserves imprisonment would be reserved for consideration at the time of sentencing," he said.

Henry E. Peterson, assistant Attorney General in charge of the Criminal Divisions said that wide variation in state and local laws on treating the insane had complicated procedures in the Federal courts and in many instances got in the way of a fair trial.

"The criminal court is not the best place to evaluate mental illness," he said. "The Nixon

proposal, he added, "would keep the main issue before the court: Did the defendant commit the offense?"

Mr. Nixon's message was vague about a number of proposed changes. In the area of pornography, for example, he said, "There has been a thorough revision to reassert the Federal interest in protecting our citizens." But neither he nor Mr. Petersen was specific about how this would be done.

The proposals will go to Con-

gress under several separate bills.

Several of the Nixon recommendations, particularly that on restoring the death penalty, are expected to run into strong opposition in Congress, where other proposals to revise the Federal criminal code along less stringent lines are pending.

Senator Harold E. Hughes of Iowa will deliver a network radio address Saturday on behalf of the Democratic leadership in answer to the President.