

Nixon May Try to Revive Death Penalty

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Washington

Attorney General Richard G. Kleindienst said yesterday he believes the Nixon administration will ask Congress to reinstate the death penalty, which was struck down by the U.S. Supreme Court last June 29 as being erratically administered.

He said the death sentence would be asked for in "specific areas" such as kidnaping, assassination, bombing of public buildings, airplane hijacking and the killing of a prison guard.

"It would be, generally, legislation that would make mandatory the death penalty in a restricted number and kinds of cases," the attorney general told a news conference in the Department of Justice building.

He said the Supreme Court decision suggested that if Congress passed such a mandatory sentencing law with restrictions as to its use, it "would be a constitutional capital punishment statute."

FBI

The attorney general also rejected criticism of his department as being "politicized," lavishly praised L. Patrick Gray, the acting chief of the FBI, and said his office had "no indication" that Donald H. Segretti, a figure in the Watergate bugging investigation, had violated any federal laws.

Kleindienst said his office was still investigating about 2000 complaints about election law violations from last year's campaigns.

Asked about cases in which newsmen were threatened with jail, the attorney general said he felt freedom of speech and the press were "vital to the preservation of

our society."

He said that "99.9 per cent" of the time, the press and its sources "should be protected."

In his discussion of capital punishment, the attorney general began by saying he thought it had little value.

DETERRENT

"Generally speaking, I don't believe that the death penalty accomplishes an overriding social purpose," he said. "I don't believe gen-

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erally speaking, the death penalty acts as a deterrent to crime. And unless you can demonstrate to me that it acts as a deterrent, then I don't think it's justified in an enlightened society.

"However, I do think there are some areas of possible criminal activity where the death penalty can be a deterrent and that is usually the kind of criminal activity that is of such a cold-blooded, premeditated, thought-out type — a kidnaping, an assassination, a bombing of a public building, a skyjacking, the killing of a prison guard."

In the historic 5 to 4 decision last June, Chief Justice Warren E. Burger, who dissented, said the Congress and state legislatures might

impose mandatory death sentences for those convicted of certain crimes. He added they would first have to "make a thorough reevaluation of the entire subject of capital punishment" including a serious study on whether it serves as a deterrent.

Kleindienst apparently had that dissenting opinion in mind when he said, "The Supreme Court has come down with a decision that requires action by the Congress and also by state legislatures."

Justices Potter Stewart and Byron R. White, who held with the majority, reasoned the application of capital punishment was cruel and unusual in that it was erratically applied at the discretion of judges and juries.

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