

OCTOBER 12, 1973

# Law and order - code words for goodness and decency

NEW YORK (CUP-LNS) — "There are those who say that law and order are just code words for repression and bigotry. This is dangerous nonsense. Law and order are code words for goodness and decency...the only way to attack crime in America is the way crime attacks our people—without pity." —Richard Nixon in a letter to Congress and broadcast on submitting the "Criminal Code Reform Act" to Congress March 14, 1973.

"With this bill they're trying to undo all the Supreme Court decisions we have won on civil liberties," said Edith Tiger of the Emergency Civil Liberties Committee. "It's a whole bag of tricks."

She was referring to a new crime control bill which will be up for consideration in the House and Senate possibly as early as October. "The bill which I introduce today," said Senator Roman Hruska, who introduced the bill to the Senate along with equally conservative Senator John McClellan, "is recognized as a monumental effort by the Administration, including the Department of Justice...Particular accolades should go to former Attorney General John Mitchell."

The bill would reverse some of the more liberal Supreme Court decisions of the past 20 years — such as those dealing with capital punishment and wiretapping — as well as making other things that had never been crimes before crimes.

The only way the Supreme Court can be "overruled" is to pass new legislation, which stays on the books until someone challenges it and the Supreme Court makes another decision. It often takes years for a case to go through other courts before the Supreme Court can make a decision again. But, with the judges that he has appointed to the Supreme Court, Nixon will not have to worry about the decision once the challenge gets there anyhow.

Some of the provisions of the bill are: Death Penalty. Nixon proposes that the death penalty be mandatory for such crimes as treason, sabotage, espionage, and "for all specifically enumerated crimes under federal jurisdiction from which death results."

Federal crimes are "rarely crimes of passion" said Nixon in his statement to Congress. "Airplane hijacking is not done in a

blind rage; it has to be carefully planned. Using incendiary devices and bombs are not crimes of passion, nor is kidnapping; all these must be thought out in advance. "At present those, who plan these crimes do not have to include in their deliberations the possibility that they will be put to death for their deeds. I believe that in making their plans they should have to consider the fact that if a death results from their crime, they too may die."

Wiretapping. This would allow the president to wiretap people or national organizations he considers to be a "danger to the structure" of the government (The Supreme Court had ruled that wiretaps against domestic groups could only be made after court approval). As well the Attorney General would be able to have a 48 hour "emergency wiretap" without prior court approval.

The provision also orders telephone company workers, building superintendents, etc. to cooperate "forthwith and unobtrusively" with the FBI and police to accomplish the interception of a wire or oral communication.

Secrecy. Coming directly out of the Pentagon Papers case, this provides a 3 year sentence and a \$25,000 fine for a federal employee who communicates classified information to someone else. It goes on to say that this applies, "even if the information was improperly classified at the time." It also provides a 7 year sentence

and a \$50,000 fine for anyone who received "national defence information" and fails to deliver it promptly back.

Obscenity. Although the recent Supreme Court decision ruled that what is obscene would be determined by the standards of the local community, thereby opening the door for anything to be censored in any one local area, the new bill would set federal standards. It would make it a crime to disseminate any material describing sexual intercourse or depicting nudity.

Entrapment. This section of the bill puts the burden of proof on the defendant to prove that he or she was "unlawfully entrapped" even though it come out in a trial that an agent provocateur used "deception" provided a "facility or an opportunity" and used "active inducement" in committing a crime. It effectively puts the defendants in the position of having to prove their innocence.

This section sure comes in response to a number of recent political cases (Harrisburg 6, Camden 28 and now Gainesville 9) which were won by the defendants, at least in part, because the juries recognized how agent provocateurs in the cases attempted to set up the defendants.

Revival of the Smith Act, (which the Supreme Court overturned in 1957). This makes it a crime punishable by 15 years in jail and a \$100,000 fine for advocacy or membership in an organization

that supposedly calls for revolutionary change in the United States.

Marijuana. In the face of a national move towards relaxation of penalties, this would establish a 1 year and \$10,000 penalty, for possession of a small amount for personal uses; 3 years and \$25,000 fine if arriving or departing from a trip outside the country.

Other parts of the bill stiffen penalties for the Rap Brown Act, sabotage and demonstrations on military property, and would do away with the plea of insanity.

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## Lawyers move on election

NEW YORK (CUP-LNS) The National Lawyers Guild, an organization of lawyers and legal workers, has prepared a People's Lawsuit to set Aside the 1972 Election.

Explaining that the "lawsuit provides an excellent opportunity to bring the causes and effects of the whole Watergate affair into focus," the Guild has based the case on the charge that the 1972 election was "fraudulent, unlawful and unconstitutional."

The case details crimes including obstruction of justice, perjury, violation of civil rights and explains that "the purpose and effect of these activities was to destroy the possibility of free and open elections."

According to the Guild, local Committees to Set Aside the 1972 Election have already been set up. The local groups will coordinate such things as teach-ins on wages, inflation, profits and Watergate.



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