

Tough Senate crime bill stirs up resistance

By TAMARA SWENSON
Of the Emerald

The United States moved one step closer to accepting a federal criminal code revision last week, but opponents to Senate Bill 1722 have issued strong warnings against the bill, which could, among other things, make draft counseling and draft resistance illegal.

Senators received copies Thursday of the judiciary committee's revisions to S1722, introduced by Sen. Edward Kennedy, D-Mass., and should receive copies of the committee's testimony early this week, says Jeff Boothe, aide to Sen. Mark Hatfield, D-Ore.

"There are lots of things wrong with it (S1722)," says Sioux Thompson, a member of Lane County Citizens Opposed to Repressive Legislation. "Senate Bill 1722 was Senate Bill 1 under Nixon."

"There's a lot of support in general for the bill," says Kennedy aide Ken Fineberg, adding that S1722 is controversial, but "there is open room for debate."

Revision of the criminal code is necessary, but repressive legislation is out of the question, says Frank Wilkinson, director of the National Committee Against Repressive Legislation.

"The United States will take an incalculably long step toward a police state if U.S. Senate Bill 1722 is passed," Wilkinson says.

Both proponents and detractors of S1722 agree that a revision of the criminal code is necessary.

"The plain fact is that the current federal criminal law is a

former California Gov. Pat Brown, to make recommendations on the nature and need for a new federal criminal code — which hadn't been revised since 1909.

In 1970, the commission urged a comprehensive reform

Sen. Bob Packwood, R-Ore., is still studying the bill, says Packwood aide Bob Witeck, but that he should be issuing a statement soon.

"This (S1722) is pure presidential politics on Kennedy's part," Wilkinson says. "He as-

presented to the House Judiciary Committee in early February, about the time S1722 reaches the Senate floor, Boothe says.

HR6233 is considered to be a "mirror image of S1722," Thompson says.

Provisions within S1722 would make criminal acts of:

- Distributing written material opposed to a war in which the United States is engaged.
- Obstructing military recruitment or induction — picketing an induction center, urging draftees to burn their draft cards and counseling or urging conscientious objectors not to register for the draft.
- Requiring definite proof of state of mind during an offense.
- Obstructing a government function. Protesting in front of a nuclear power plant would become a federal offense instead of trespassing.
- Requiring organizations to assume liability for the conduct of a member — organizations would be considered at fault for the arrest of their members during a group activity such as picketing.
- Urging obstruction of a federal building would fall under the new crime of solicitation — even if the demonstration never occurred, or took place without observers.
- Receiving classified information such as the Pentagon Papers would be subject to prosecution under the re-enactment of the 1917 Espionage Act and the 1950 Subversive Activities Control Board Act.
- Communicating a threat or reporting that a threat had been made.
- Agreement with the police or conduct of any foreign govern-

ment or person.

- Refusing to testify, refusing to reveal sources and refusing to produce information at the request of a judge or the federal government.

- Eavesdropping on private or governmental conversations would be illegal, except by federal agencies or their agents.

- Restricting strikes by labor unions through use of the anti-riot, extortion and blackmail provisions.

- Engaging in a "public disturbance with 10 or more people."

- Refusing to testify or produce a record on the basis of self-incrimination before the courts, Congress or any agency of the U.S. government would be construed as guilt.

The bill also would increase federal jurisdiction over state laws governing robbery, arson and theft. It would impose strict guidelines for state and local judges to follow in sentencing and increase sentence lengths by approximately 92 percent, NCARL reports say.

"Not everything about the bill is against civil rights," says Janatta Siegel, American Civil Liberties Union member. "But there are things that need to be questioned before this bill is accepted."

Kennedy has said he is convinced "that a point has now been reached where effective criminal code reform is nearing reality."

Wilkinson disagrees. "Kennedy claims he tried to write an acceptable piece of legislation. What we have is totally unacceptable."

"The danger with S1722 is that it tries to cover so much," Thompson says. "In doing so, it doesn't cover it right."



Graphic by Tom Ettel

of the code, noting that most states were well ahead of the federal government in adopting "modern, comprehensive criminal codes."

In 1973 Senate Bill 1, a 753-page document drafted by Attorneys Generals John Mitchell and Richard Kleindienst for Pres. Nixon, was presented to Congress to codify federal criminal law.

Since 1973 three other revisions of the federal criminal code have been presented: S1400 in 1973 during the 93rd Congress, S1 in the 94th Congress and S1437 in the 95th Congress, which the Senate passed. The House did not act on it.

The NCARL actively opposed each of the bills, says Esther Herst, NCARL Washington coordinator.

"We have consistently supported the idea of reform of criminal laws, but have opposed most of the previous bills as posing untenable and unjustifiable threats to the First Amendment and to other Constitutional rights," Herst says.

"There will be no ideal bill — compromises will be made throughout. But I'm sure Sen. Hatfield will maintain a revision of the criminal code is better than the code that presently exists and probably will support this (S1722) legislation."

Hatfield voted in favor of S1437, the predecessor of S1722 during the last Congressional session.

sumes his liberal flank is safe and is building on the ultra-right.

"Kennedy is playing games here."

Fineberg says that Kennedy is not concerned with presidential politics, but feels a revision of the criminal code is necessary.

In addition to S1722, Rep. Robert Drinan, D-Mass., has introduced House of Representatives Bill 6233, which should be

'The fact is that current criminal law is a disgrace'

disgrace," Kennedy says. "Judges, academicians, law enforcement personnel and civil libertarians alike have all agreed on the need for prompt development of a comprehensive, logically organized and internally consistent federal criminal law."

But the direction and provisions of Kennedy's version of a revised federal criminal code are being questioned.

The 395-page bill has been devised through an "omnibus approach," Thompson says. "Revision of the entire code should be done in an incremental approach. Bit by bit."

Revisions of the federal criminal code began in 1966 when Pres. Johnson established a commission, chaired by

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